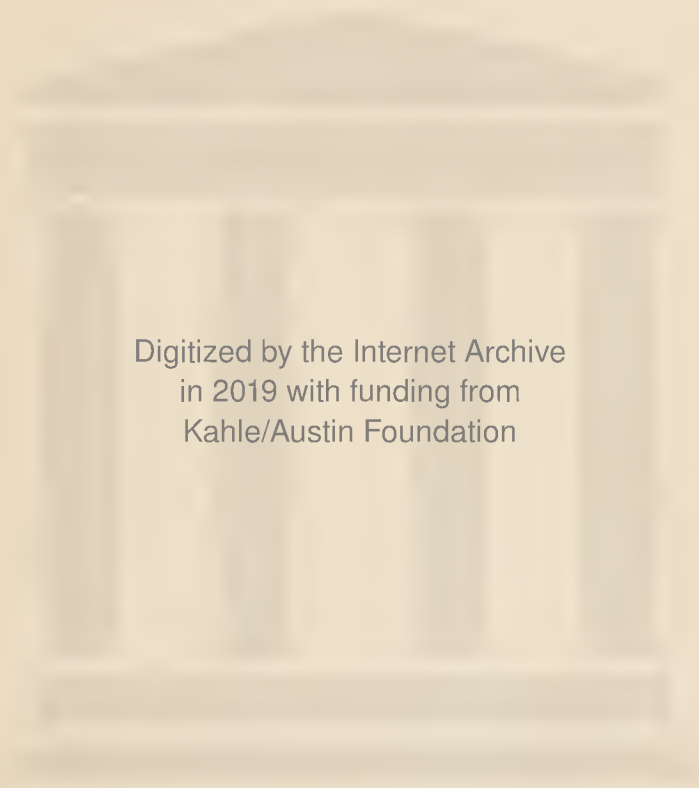


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ADVERTISEMENT.

THE first and second editions of this work were published in the years 1834 and 1837 respectively ; but, from the wonderful development of the Colony of New South Wales during the last fifteen years, and the manifold and important changes that have taken place in that period in its general condition and prospects, only a small portion, comparatively, of the original work has been embodied in the present edition; and that portion, comprising chiefly the earlier history of the colony, has been greatly extended and otherwise improved.

In common with the two former editions, the whole of the original portion of the following work, with the exception of a few sentences here and there, was written at sea, on the author's last voyage from Sydney to London, during the present year; the materials having been previously collected for the purpose in the Colony. For having, unfortunately, had to spend a large portion of his life at sea, the author has latterly found it expedient and necessary, independently altogether of other and higher objects, to carve out beforehand sufficient literary labour for each successive voyage, to redeem that portion of his life from the mere blank which it might otherwise present, as well as to escape the listlessness and languor into which any person without an absorbing employment is, in such

circumstances, likely to fall. The historical portion of the work was written in the South Pacific, and the statistical in the Atlantic; the month occupied in both oceans in the Cape Horn part of the voyage having been spent in the composition of another work, which is now issuing from the press simultaneously with these volumes.*

A work written in such circumstances must necessarily have many imperfections. Repetitions of the same facts and circumstances, and sometimes even of the same words and ideas, are not only apt to occur, but to be afterwards overlooked till it is too late to make the necessary corrections: dull expletives also are apt to intrude themselves, especially if the wind happens to be foul, or the weather unfavourable; and the balancing of periods is scarcely to be thought of.

From the wonderful impulse that has recently been given, throughout the United Kingdom, to emigration to Australia, by the discovery of the gold-fields of that country, the author has deemed it advisable to give as full a view as possible of the physical character and general statistics of the colony, to enable intending emigrants of all classes to judge for themselves as to the prospects which it holds forth for their particular occupations, pursuits, or views. And as colonization in New South Wales is now likely to extend rapidly to the northward, where it is destined to open up an entirely new and most interesting field for British enterprise and industry, he has deemed it expedient to supply the intelligent reader with the fullest in-

* *Freedom and Independence for the Golden Lands of Australia; the Right of the Colonies, and the Interest of Britain and of the World.* Longmans, London.

formation as to the physical characteristics and general resources of the cotton-growing regions of Australia.

Having settled in New South Wales, as a minister of religion, nearly thirty years ago, and having been desirous from the first to promote the welfare and advancement of his adopted country in every possible way, the author has doubtless been a good deal mixed up personally with its general history, and with the progressive development of its intellectual, moral, and political system. He has reason to believe, however, that, although his course may have been somewhat unusual and erratic, the candid reader will come to the conclusion that it has uniformly been the result of a sincere desire to promote the best interests of the Australian Colonies, and to prepare them for the high destiny that undoubtedly awaits them among the nations of the earth.

As it is now pretty evident that during the last sixty years, Great Britain has been, perhaps unconsciously and undesignedly, laying the foundations of one of the mightiest empires of the future in Australia, the history of the origin and progress of the British settlements in that country will henceforth necessarily be an object of interest and importance to the whole civilized world. Of these settlements, however, the only one that can ever pretend to have a history of the slightest interest or importance to the European reader, is New South Wales; of which, indeed, all the others, including even Swan River on the one hand, and New Zealand on the other, have merely been the progressive expansions. To pretend, therefore, to compare the wonderful progress of some of the most recent of these settlements with the compara-

tively slow progress of New South Wales in the infancy of that settlement, as has recently been done by certain ill-informed writers in the Colonies, is pre-eminently absurd. For example, when the Colonies of South Australia and Port Phillip were originally settled in the year 1836, herds of cattle, flocks of sheep, and droves of horses were driven overland on speculation from New South Wales, to be sold at a comparatively moderate price to the new colonists; while whole cargoes of flour and other provisions were poured in upon them from Sydney and Van Dieman's Land. There was no mystery, therefore, in colonizing rapidly and successfully in circumstances so peculiarly favourable. But when the first British settlement was formed on the coast of New Holland, every ounce of food for civilized man in the country had to be carried out either from England, from India, or from the Cape of Good Hope; stock of every kind had to be conveyed for immense distances over unknown and stormy seas to the very ends of the earth; and in the seasons of famine and disease that necessarily supervened, the whole of that stock which it had cost so much to import into the country had actually to be slaughtered to sustain human life. A comparison of the rates of progress in such circumstances is therefore absurd in the highest degree.

It is desirable, for many and obvious reasons, that all intelligent emigrants should make themselves generally acquainted with the past history of their adopted country; as they cannot otherwise be enabled to ascertain either its real condition and wants, or their own duties in regard to it. The author has given what he believes to be a fair and impartial

statement of the facts and circumstances of that history, as well as of the conclusions which it warrants; and although he may thereby have given much offence in certain quarters, he is conscious he has told nothing but the truth.

It was the author's desire to have embodied in this work a separate chapter, which he wrote several years ago, on the Aborigines of New Holland, their probable origin, their history, their migrations, their customs and institutions, and their singular superstitions; but as that chapter forms part of another work, which is still in print*, he did not feel at liberty to include it in these volumes, which are already, perhaps, sufficiently large.

* *Cooksland, in North Eastern Australia ; the future Cotton Field of Great Britain.* Longmans, London, 1847.

London, Nov. 6. 1852.



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By the same Author,

FREEDOM AND INDEPENDENCE FOR THE GOLDEN
LANDS OF AUSTRALIA ; the Right of the Colonies, and
the Interest of Britain and of the World. One vol. post 8vo.

LONDON : LONGMAN, BROWN, GREEN, AND LONGMANS.

AN
HISTORICAL AND STATISTICAL ACCOUNT
OF
NEW SOUTH WALES.

CHAPTER I.

CHRONOLOGICAL SKETCH OF THE PROGRESSIVE DISCOVERY
OF THE COASTS OF AUSTRALIA, PREVIOUS TO THE
YEAR 1788.

Denique et a nostro diversum gentibus orbem,
Diversum cœlo, et clarum majoribus astris,
Remigio audaci attigimus, ducentibus et Dis.

FRACASTORIUS.

“Under the guidance of Superior Powers, and in the course of our adventurous navigation, we have at length reached a world differing from our own in its nations, in its climate, and in its brighter constellations.”

THE vast continental island of Australia, or New Holland, was discovered, in the year 1606, almost simultaneously, by the Spaniards and the Dutch. Both of these nations, which were then the two principal maritime powers of Europe, had fitted out expeditions of discovery in the year 1605 ; the former from the port of Callao in Peru, and the latter from Bantam in the island of Java. The Spanish expedition, which sailed first, consisted of three ships, under the command of Don Pedro Fernando

de Quiros ; and its object was to discover the great southern continent, or *Tierra Austral*, which was then supposed by European geographers to occupy a large portion of the space which has since been ascertained to be covered by the waters of the Pacific. In the course of this voyage, De Quiros discovered a tract of land which he concluded was a portion of the great southern continent, and named accordingly *Australia del Espiritu Santo*, but which has since been supposed to have been only one of the larger islands of the Louisiade Archipelago of the French navigator Bougainville. His lieutenant, however, Luis Vaez de Torres, having been separated from the admiral in a storm, subsequently pursued a westerly course, to the southward of New Guinea, and, passing through the strait which now bears his name, discovered the mainland of Australia, which he supposed to be a group of islands, in the vicinity of Cape York. On his return to Madrid in the year 1609, De Quiros, conceiving his discovery of much greater importance than it was likely to have proved, even if prosecuted with ardour in that early period of the history of modern navigation, memorialised the Spanish court for a second expedition to ascertain the limits of the new-found-land, and for troops to conquer it for the King of Spain. In this application, however, he was unsuccessful: the Spanish monarch, it seems, was no Alexander ; being wisely satisfied, perhaps, with the worlds of which he had already obtained the undisputed sovereignty through the splendid discoveries of Columbus.

The Dutch expedition consisted of a single vessel, the yacht *Duyfhen*, which sailed from the port of Bantam on the 18th of November, 1605. It was fitted out at the instance of the Governor-General and Council of the Dutch East Indies, and its principal object was to explore the southern coast of the large island of New Guinea. But after having reached the south-western extremity of that island, the Dutch commander appears to have stood

to the southward, along the western shore of the peninsula of Cape York, which he supposed was merely a continuation of the mainland of New Guinea; thus entering the Gulf of Carpentaria without being aware of its existence, and coasting along the Australian peninsula, as far as Cape *Keer Weer*, or *Turnagain*, in $13\frac{3}{4}^{\circ}$ south latitude.* The exact dates of the respective discoveries of Torres and the commander of the *Duyfhen* cannot now be ascertained; but as the Dutch vessel had arrived in the island of Banda, on her return to Bantam, in the month of June, 1606, while the letter of Torres, communicating an account of his voyage to the Spanish Admiralty, is dated at Manilla, in the month of August following, Captain Flinders conjectures, with every appearance of probability, that the honour of the discovery of New Holland is due to the Dutch, and that it must have taken place in the month of March, 1606, a few months before the discovery of Torres.†

The northern and western coasts, from the peninsula of

* The *Duyfhen* had several of her crew murdered by the black natives of this coast.

† *A Voyage to Terra Australis, undertaken for the purpose of completing the Discovery of that vast Country, &c., By Matthew Flinders, Commander of the Investigator.* London, 2 vols. 4to. 1814. *Introduction*, page viii.

Captain Flinders offers no explanation of the fact that the Dutch navigator mistook the Australian peninsula of Cape York for a part of the island of New Guinea; but, from the period of his leaving Bantam—the 18th of November,—it is evident he had sailed from that port with the first of the north-westerly monsoon, which, although it is usually said to commence on the first of October, is sometimes a month or even six weeks later. Running, therefore, with a fair wind to the eastward, and coming at length in sight of the islands in Torres Straits, which would appear in the distance a continuous land, the Dutch navigator would naturally be apprehensive of being either embayed or driven on a lee shore if he continued to run to the eastward, and would therefore at once haul up to the southward, where he found an open sea, without further examination.

Cape York to the south-western extremity of the land, together with a portion of the southern coast, and the neighbouring island of Van Dieman's Land, were discovered during the next forty years by a succession of Dutch navigators. Of this extensive line of coast, the land extending from the tropic of Capricorn to the twenty-seventh parallel of south latitude, was the first discovered. It was fallen in with in the year 1616, by Captain Dirk Hartog, of the Dutch ship *Endraght*, or *Harmony*, outward bound from Holland to India, and was thence named *Endraght's Land*.* Two years thereafter—in 1618—the land extending from the north-west cape to the fifteenth parallel of south latitude was discovered by another Dutch captain of the name of Zeachen, who also appears to have discovered and surveyed a considerable portion of the northern coast, which he named the Land of Arnheim. In the year following—1619—Captain Jan de Edel discovered the western coast to the southward of Endraght's Land, and gave his name to a part of it, extending from latitude $32^{\circ} 20'$ to $26^{\circ} 30'$ south. And in the year 1622 the south-west cape was discovered, with the land extending to the northward as far as Edel's Land, and was named, probably from the vessel in which the discovery was effected, *Landt van de Leeuwin*, or the *Land of the Lioness*. The year following (1623) an expedition was despatched from the island of Amboyna, by the Dutch Governor General, Jan Pieterz Coen, to follow up the discoveries of the yacht Duyfhen, along the western coast of the peninsula of Cape York. The re-

* On one of the islands forming Dirk Hartog's Road, in Sharks' Bay, latitude 25° south, there was found, first, in the year 1697, by the Dutch Admiral Vlaming, and afterwards by Captain Flinders in the year 1801, a tin plate with the following inscription:—

“Anno 1616, the 25th of October, arrived here the ship Endraght, of Amsterdam: the first merchant, Gillis Miebaïs, of Luik; Dirk Hartog, of Amsterdam, Captain. They sailed from hence for Bantam the 27th Dec.

sult of this expedition was the extension of the survey of that peninsula, which was still supposed to be a part of New Guinea, to Staten River, in latitude 17° south, where, it was observed, the land stretched to the westward. Four years thereafter (in 1627) the southern coast was discovered by Captain Pieter Nuyts, who bequeathed to it his own mellifluous name. The Dutch account of this interesting discovery is as follows: "In the year 1627, the south coast of the great South Land was accidentally discovered by the ship *Gulde Zeepaard*, outward bound from Fatherland, for the space of a thousand miles." (Flinders, *Intro.* lxviii.) Violent westerly gales, which are of frequent occurrence in these regions, had probably driven the brave Dutchman out of his course; and the passion for geographical discovery, so strongly characteristic of his age and nation, may have induced him to push on so far to the eastward along the unknown coast he had accidentally discovered. Unfortunately, however, he could scarcely have found so large an extent of absolute sterility as that coast presents in any other locality on the face of the earth. In the year 1628, the line of coast, intervening between Endraght's Land and the discoveries of Zeachen, was discovered and surveyed by a vessel belonging to the Dutch East India Company (which was unfortunately wrecked on the coast), and named *De Witt's Land*, in honour of the commodore who then commanded the Dutch East India squadron. During the same year, Captain Pieter Carpenter, a naval commander in the service of the same Honourable Company, to whose enlightened intelligence and persevering enterprise geographical science was thus early and deeply indebted, entered and explored the gulf of Carpentaria, to which he had the honour of bequeathing his name: and in the year 1642, Abel Janz Tasman, who had been commissioned by his Excellency Anthony Van Dieman, the Dutch Governor General of the Indies, to prosecute geographical discovery on the coasts of New Holland, in command of

the Hecmskirk yacht and Zeehaen pinnace, discovered *Van Dieman's Land* and the island of *New Zealand**; returning at length to Batavia by the north coast of New Guinea, of which he also made a running survey. Anthony Van Dieman had, it seems, a daughter, to whom Tasman was tenderly attached; and while the naval commander immortalised his patron by giving his name to a remote territory, which has since been ascertained to be a separate island, and is now the seat of a highly promising British colony, he conferred a similar distinction on his daughter, by giving her name to the northern extremities of New Holland and New Zealand. The circumstance may perhaps appear trivial to the reader, and unworthy of commemoration; but it happens at this moment to be somewhat interesting to the writer, as *Cape Maria Van Dieman* is at present the nearest land to our good ship on her passage homeward from Port Jackson across the boundless Pacific.†

Tasman had scarcely returned to Batavia from the successful voyage in which he had thus discovered Van Dieman's Land and New Zealand, and explored the Northern Coast of New Guinea, when he was again commissioned by the Governor-general and Council of India to follow up the discoveries which had already been effected by earlier navigators, in the Gulf of Carpentaria and on the North coast of New Holland. He accordingly proceeded to these regions in the year 1644; and the result of his observations and discoveries was afterwards

* The former of these important discoveries was made on the 26th of November, 1642, and was named Anthony Van Dieman's Land, in honour of the governor-general, "our master, who sent us out to make discoveries."—*Tasman's Journal*. Tasman discovered and named Storm Bay and Frederick Hendrick's Bay on the east coast of the island. In the latter of these bays he lay at anchor for some time to procure wood and water; and he appears to have had much friendly communication with the natives during his stay.

† Cape Maria Van Dieman was distant about sixty-five leagues to the eastward when this paragraph was written.

embodied in the Dutch charts of the period. A circumstance highly honourable to the professional character of this enterprising navigator, and illustrative at the same time of the uncertainties of marine surveying on the coasts of Australia, deserves to be recorded. Tasman had laid down, on his chart of the Gulf of Carpentaria, a river which he represented as disemboguing at the head of the gulf, and which he had named *The Maatsuycker*, in honour of one of the members of the Dutch council of the Indies. This river, however, the eminent English navigator, Captain Flinders, who again surveyed the shores of the gulf, after the lapse of a hundred and sixty years, was unable to find, and had accordingly obliterated it from the chart. But Captain Stokes, of the Royal Navy, rediscovered it in the year 1842, two centuries after the original discovery of Tasman, and called it *The Albert*, in honour of the Prince Consort. Certainly the *Albert* is a much more pronounceable name for an Englishman than the *Maatsuycker*, and a feeling of spurious loyalty and nationality, not to mention a less honourable feeling, will doubtless confirm its use; but in justice to the memory of an illustrious navigator, who appears to have been second only to our own immortal Cook, the name which was given by Tasman to his original discovery, two hundred years ago, ought unquestionably to be restored.*

The first English navigator who visited the coasts of New Holland was the accurate and indefatigable Dampier, who, it is well known, had received his naval education among the Buccaneers of America. Sailing from Acomack in Virginia, to cruize against the Spaniards in the Great South Sea, that eminent navigator, after doubling Cape Horn from the eastward, and then stretch-

* Dr. Leichhardt, the celebrated Australian traveller, was evidently of opinion that the *Albert* of Captain Stokes was the *Maatsuycker* of Tasman, although, as a foreigner writing for Englishmen, he speaks rather hesitatingly on the subject—for obvious reasons.

ing across the Pacific towards the Equator, struck upon the north-west coast of New Holland, in latitude $16^{\circ} 50'$ south, in the year 1688; and the accounts which he published of his observations, on his return to England, having recommended him to the Earl of Pembroke, who was then at the head of the Admiralty, King William III. was induced to give him the command of the Roebuck man-of-war, and to send him on a voyage of discovery to New Holland in the year 1699. It would seem, however, that, with the exception of the Archipelago which now bears his name, Dampier did not extend his observations beyond the line of coast which had previously been discovered by the Dutch, and his contributions to geographical science accordingly consisted chiefly in a more accurate survey of the coast, and in plain but correct and highly graphical descriptions of the country and its inhabitants.

The east coast of New Holland, extending from the thirty-eighth parallel of south latitude to the northern extremity of the land, in latitude $10\frac{1}{2}^{\circ}$ south, was discovered by the famous English navigator, Captain Cook, partly during his first voyage in the year 1770, and partly during his third and last, in the year 1777. These voyages had been undertaken chiefly to ascertain the existence or non-existence of a great southern continent; but although this problem, which had occupied the minds of European philosophers, and furnished matter for interesting speculation from the days of De Quiros, was at length solved by our illustrious countryman, in a way that disappointed the anticipations and falsified the conclusions of many, they made known to the world the existence of a vast island, almost equal in extent to the whole continent of Europe, and they led the way to the speedy establishment of a British colony, which is evidently destined to prove the nucleus of a mighty empire.

CHAP. II.

ESTABLISHMENT OF A BRITISH COLONY AT PORT JACKSON, UNDER THE GOVERNMENT OF CAPTAIN ARTHUR PHILLIP, R.N.

Tantæ molis erat Romanam condere gentem!

VIRGIL.

“Vast was the toil to found the Roman state.”

BEFORE the British colonies of North America were violently severed from the mother country, through unwise if not tyrannical legislation, the southern colonies of North America and the West Indies had for a long time been the only authorised outlets for those criminals in Great Britain and Ireland who had been sentenced to transportation.* During that period various expedients had been put in practice, with indifferent success, for conveying the criminals to their destination. It was at

* It is an error to suppose that transportation to hard labour beyond seas, as a punishment for crime, is a device of modern legislation and was unknown to the ancients. Herodotus informs us that the kings of Persia had an island in the Persian Gulf, to which they banished their criminals for this purpose; and the Romans, as is well known, had a penal colony precisely similar in its character to those of our own country, in the island of Sardinia. By the statute of 39th Eliz. chap. iv. banishment was decreed for the first time in English history as the punishment of rogues and vagabonds; but the place of their exile was not particularly specified in that enactment. The practice of transporting criminals to America commenced in the year 1619, in the reign of James I. Great abuses, however, having been discovered in the mode of carrying the system into operation, the transportation of criminals to America was at length regulated by parliamentary enactment, in the fourth year of the reign of George I.; and the causes of that enactment are stated in the preamble to be “the failure of those *who undertook to transport themselves*”—a very probable occurrence—“and the great want of servants in His Majesty’s plantations.”

length determined, however, by parliamentary enactment, that they should thenceforth be sent out under the superintendence of contractors, who should be obliged "to prove by certificates that they had disposed of them according to the intention of the law." These contractors were empowered to hire the convicts, or, in plainer English, to sell them, to the planters for longer or shorter periods, according to their sentences; and the latter bought them for such sums as they conceived their services during these periods would respectively be worth. This parliamentary slave-trade in the persons of British convicts subsisted till the war of American independence; and as it has been calculated that not fewer than two thousand convicts were annually disposed of in this manner for some time previous to that war, at the average rate of 20*l.* sterling a head, the unchristian and scandalous traffic must have produced a gross revenue to the nation of 40,000*l.* per annum.

"By the contest in America, and the subsequent separation of the Thirteen Colonies, this traffic" (the author of a work of some authority, relative to the earlier state of the colony of New South Wales, very coolly observes) "was of course destroyed." Other expedients were *of course* resorted to; and for some time criminals under sentence of transportation were sent, by way of experiment, to the west coast of Africa.* But the deadliness of that climate speedily awakened the spirit of humanity, throughout the mother country, in favour of the convicts, and procured the speedy abandonment of a system of transportation, which, under the guise of mercy, was found almost equivalent to an indiscriminate sentence of death.

* One of these expedients, which was adopted by parliament in 1779, but was subsequently abandoned in consequence of its supposed impracticability, was the establishment of penitentiaries, on a plan devised by the united talents of Judge Blackstone, the Honourable Mr. Eden, and the celebrated Howard.

As the jails, however, were in the mean time crowded with criminals, it was at length determined to form a penal settlement at Botany Bay, on the east coast of New Holland, which had then been but recently discovered by Captain Cook, and named New South Wales.*

The main objects of the British Government, in the formation of the proposed settlement, as expressed by the legislature, as well as by the leading philanthropists and the public press of the period, were,—

I. To rid the mother country of the intolerable nuisance arising from the daily increasing accumulation of criminals in her jails and houses of correction :

II. To afford a suitable place for the safe custody and punishment of these criminals, as well as for their ultimate and progressive reformation ; and,

III. To form a British colony out of those materials which the reformation of these criminals might gradually supply to the government, in addition to the families of free emigrants who might from time to time be induced to settle in the newly-discovered territory.

These, the reader will doubtless acknowledge, were objects altogether worthy of the enlightened legislature of a great nation : in fact, it was the most interesting and the noblest experiment that had ever been made on the moral capabilities of man : and if *there is joy in heaven among the angels of God over every sinner that repenteth*, we may well conceive the deep interest which superior intelligences would naturally feel at the establishment of the penal colony on the coast of New Holland — all insignificant and contemptible as it might appear to the great majority of mankind — and the loud burst of joy with which they would have hailed the tidings of its ultimate success.

* It was Lord Viscount Sydney who first suggested the idea of establishing a colony in New South Wales. He was then Principal Secretary of State for the Colonies.

From the view I have thus given of the objects of the British Government, in forming the proposed settlement, it will appear evident to the reader, that it must have been the intention of the British legislature that the government of the colony of New South Wales should be conducted, in the first instance, on those principles of coercion and moral discipline which are suitable for the government of a jail; and it will also appear equally evident, that it is the first and proper business of the writer, in proposing to exhibit a general view of the condition and progress of the colony, during the earlier stages of its existence, to point out the exact degree, in so far as it can be ascertained, in which this intention was realised, or in which each successive colonial administration was influential in promoting the grand objects of its original establishment. Such therefore will be the object of the writer in the following historical sketches of the condition and progress of the colony, during the earlier period of its history as a mere penal settlement for the British Empire. I am well aware that,—now that the Colony of New South Wales has not only ceased to be a penal settlement, but is likely, at no distant period, to take a high place among the nations of the earth as the head of a great political confederation of sovereign and independent states, — there are not a few of its inhabitants who earnestly and patriotically desire that its original penal character should henceforth be forever forgotten. I cannot, however, participate in these views and feelings: the original penal character of that Colony is a great fact which can never be ignored by the historian; and as, during the first fifty years of its existence in that capacity, not fewer than fifty thousand British criminals were landed on its shores, it is evident and undeniable that the progressive landing of these criminals on the Australian coast was the first of a series of events that were destined, in the counsels of Infinite Wisdom, to issue in the occupation and settlement, the civilisation and christianisation, of a large portion of the

Southern Hemisphere. In one word, the case which this remarkable fact undoubtedly exhibits, is one of the most striking illustrations which the history of mankind affords of this profound Scriptural truth, that "*God's thoughts are not as our thoughts, neither are His ways as our ways; for as the Heavens are higher than the earth, so are His thoughts higher than our thoughts, and His ways than our ways.*"

A fleet of eleven sail was assembled at Portsmouth, in the month of March, 1787, for the formation of the proposed settlement on the coast of New Holland. It consisted of the frigate *Sirius*, Captain John Hunter, and the armed tender, *Supply*, Lieutenant Ball; three store-ships — the *Golden Grove*, the *Fishbourne*, and the *Borrowdale*; and six transports — the *Scarborough*, the *Lady Penrhyn*, the *Friendship*, the *Charlotte*, the *Prince of Wales*, and the *Alexander*. On board of these vessels there were embarked six hundred male, and two hundred and fifty female convicts; the guard consisting of one major-commandant and three captains of marines, twelve subalterns, twenty-four non-commissioned officers, and one hundred and sixty-eight privates. Forty women, wives of the marines, were also permitted to accompany the detachment, together with their children.

Captain Arthur Phillip, of the royal navy, — of whom, as he has thus become a personage of historical interest in the southern hemisphere, the reader will naturally desire to know something farther, — was appointed governor of the proposed colony. Captain Phillip was born in London, in the year 1738. His father, Mr. Jacob Phillip, was a native of Frankfort in Germany, who, having settled in England, maintained his family and educated his son as a teacher of languages. Mr. Phillip entered the navy at the age of sixteen, and was present at the taking of Havannah in the year 1761, when he gained some prize-money, and was made lieutenant on board the *Stirling Castle*, by Admiral Sir George Pococke. At the

close of the seven years' war, in 1763, Lieutenant Phillip returned to England, and, having married, settled at Lyndhurst in the New Forest. A rupture, however, having taken place shortly after between Portugal and Spain, he offered his services to the court of Lisbon, and was employed in the service of Portugal till the year 1778, when, Great Britain being again embroiled with France, he returned to England. In the year 1779, he was made master and commander, and appointed to the Basilisk fire-ship. Two years afterwards he was promoted to the rank of post-captain, and appointed, first to the Ariadne frigate, and subsequently to the Europe, sixty-four. In January, 1783, he sailed with a reinforcement to the East Indies; but, returning to England very shortly afterwards, he was not again in active service till he obtained his appointment as Governor of New South Wales in the year 1787.

The little fleet which was thus placed under the command of Captain Phillip, and which has since been designated by the older colonists of New South Wales *the first fleet*, set sail from Portsmouth on the 13th of May, 1787; and, having touched for supplies and stock for the settlement at Teneriffe, Rio de Janeiro, and the Cape of Good Hope, arrived at Botany Bay on the 18th, 19th, and 20th of January, 1788, after a long but comparatively prosperous voyage of eight months and upwards.

Captain Phillip soon found, however, that Botany Bay was by no means an eligible harbour; for although the anchorage was apparently extensive, it was nevertheless open to the full sweep of the easterly winds, which, whenever they blow violently, as is not unfrequently the case, roll in a heavy sea, which raises a tremendous surf all along the shores of the bay. Besides, the land in its immediate vicinity, which had been described by Sir Joseph Banks as a series of beautiful meadows, abounding in the richest pasture, was found to be nothing but barren swamps and sterile sand.

Greatly disappointed, doubtless, at the miserable prospect which the neighbourhood of Botany Bay afforded for the establishment of a colony, Captain Phillip was thus obliged to go in search of a more eligible site for the proposed settlement, even before the greater number of the convicts had been permitted to land. For this purpose he took with him three boats and several of the naval officers of the fleet, intending to examine Broken Bay, an extensive inlet, which Captain Cook had described, considerably to the northward. In Captain Cook's chart of the coast, however, another opening had been laid down a few miles to the northward of Botany Bay, on the authority of a seaman of the name of Jackson, who had seen it from the fore-top-mast-head, and from whom Captain Cook, who conceived it might possibly be a boat-harbour which it was not worth his while to examine, called it Port Jackson. This opening, which at first had rather an unpromising appearance, Captain Phillip examined; and the result of that examination was the splendid discovery of Port Jackson—one of the finest harbours, whether for extent or for security, in the world.*

* “23rd January, 1788.—The party returned, this evening, full of praises on the extent and excellence of the harbour, as well as the superiority of the ground, water, and situation to that of Botany Bay, which, I own, does not in my opinion by any means merit the commendations bestowed on it by the much-lamented Cook and others whose names and judgments are no less admired and esteemed. * * * Although the spot fixed on for the town [at Botany Bay] was the most eligible that could be chosen, yet I think it would never have answered, the ground around it being sandy, poor, and swampy, and but very indifferently supplied with water. The fine meadows talked of in Captain Cook's voyage I could never see, though I took some pains to find them out; nor have I ever heard of a person that has seen any parts resembling them.”—*Journal of a Voyage to New South Wales, by John White, Esq., Surgeon-general to the Settlement.* London, 1790, p. 110.

“26th.—At ten o'clock the Sirius, with all the ships, weighed, and in the evening anchored in Port Jackson. Port Jackson I believe to be, without exception, the finest and most extensive harbour in the universe, and at the same time the most secure, being safe from

To this harbour the fleet was immediately removed; and the settlement was ultimately formed on the 26th of January, 1788, at the head of Sydney Cove, one of its numerous and romantic inlets, near a small perennial stream of fresh water, which empties itself into the harbour, and is now called *The Tanks*.

The following account of the landing in Sydney Cove, and the actual formation of the settlement under Captain Phillip, is extracted from Collins' "Account of the settlements of Port Jackson and Norfolk Island."

"The governor, Captain Phillip, with a party of marines, and some artificers selected from among the seamen of the *Sirius* and the convicts, arrived in Port Jackson, and anchored off the mouth of the cove intended for the settlement on the evening of the 25th January, 1788; and in the course of the following day sufficient ground was cleared for encamping the officers' guard and the convicts who had been landed in the morning. The spot chosen

all the winds that blow. It is divided into a great number of coves, to which his Excellency has given different names. That on which the town is to be built is called Sydney Cove. It is one of the smallest in the harbour, but the most convenient, as ships of the greatest burden can with ease go into it, and heave out close to the shore. Trincomalee, acknowledged to be one of the best harbours in the world, is by no means to be compared to it. In a word, Port Jackson would afford sufficient and safe anchorage for all the navies of Europe."—*Journal of a Voyage to New South Wales, by John White, Esq., Surgeon-general to the Settlement.* London, 1790, p. 121.

In reference to Governor Phillip's removing the Expedition from Botany Bay to Port Jackson, M. de la Perouse (who was then at anchor in Botany Bay) observed, that "until he had looked round him in Botany Bay, he could not divine the cause of our quitting it, which he was so far from expecting, that, having heard at Kamtschatka of the intended settlement, he imagined he should have found a town built and a market established; but, from what he had seen of the country since his arrival, he was convinced of the propriety and absolute necessity of the measure."—*Account of the English Colony in New South Wales, by David Collins, Esq., late Judge Advocate and Secretary of the Colony.* London, 1798, p. 5.

for this purpose was at the head of the cove, near the run of fresh water, which stole silently along *through a very thick wood*, the stillness of which had then, for the first time since the creation, been interrupted by the rude sound of the labourer's axe, and the downfall of its ancient inhabitants;—a stillness and tranquillity, which from that day were to give place to the voice of labour, the confusion of camps and towns, and 'the busy hum of its new possessors.'

"In the evening of this day the whole of the party that came round in the Supply were assembled at the point where they had first landed in the morning, and on which a flag-staff had been purposely erected, and an union-jack displayed, when the marines fired several volleys; between which the governor and the officers who accompanied him drank the healths of His Majesty and the Royal Family, and success to the new colony. The day, which had been uncommonly fine, concluded with the safe arrival of the Sirius and the convoy from Botany Bay,—thus terminating the voyage with the same good fortune that had from its commencement been so conspicuously their friend and companion.

"The disembarkation of the troops and convicts took place from the following day until the whole were landed. The confusion that ensued will not be wondered at, when it is considered that every man stepped from the boat literally into a wood. Parties of people were every where heard and seen variously employed:—some in clearing ground for the different encampments; others in pitching tents, or bringing up such stores as were more immediately wanted; and the spot which had so lately been the abode of silence and tranquillity, was now changed to that of noise, clamour, and confusion; but after a time order gradually prevailed. As the woods were opened and the ground cleared, the various encampments were extended, and all wore the appearance of regularity.

“As soon as the hurry and tumult necessarily attending the disembarkation had a little subsided, the Governor caused His Majesty’s commission, appointing him to be his Captain-General and Governor-in-chief in and over the territory of New South Wales and its dependencies, to be publicly read, together with the letters patent for establishing the courts of civil and criminal judicature in the territory; the extent of which, until this publication of it, was but little known even among ourselves. It was now found to extend from Cape York (the extremity of the coast to the northward), in the latitude of $10^{\circ} 37'$ south, to the South Cape (the southern extremity of the coast), in the latitude of $43^{\circ} 39'$ south; and inland to the westward as far as 135° of east longitude, comprehending all the islands adjacent in the Pacific Ocean, within the latitudes of the above-mentioned capes.”

On the morning of the 24th of January, previous to the removal of the fleet from Botany Bay, a circumstance occurred, which, in ancient times, would, doubtless, have been considered a most favourable omen of the future commercial prosperity of the new settlement, as well as of the wonderful change it was destined to effect in the general aspect and condition of the southern hemisphere. Two large ships under French colours were seen beating into the bay. They proved to be the *Boussole* and the *Astrolabe*, discovery ships, under the command of the unfortunate La Perouse. They had lost M. de l’Angle, the junior captain, with several of the officers and seamen, and both the ships’ long boats, in an unfortunate skirmish with the natives at the Navigators’ Islands, and had consequently come to Botany Bay to refit for the prosecution of their voyage. M. de la Perouse remained nearly two months in New South Wales; and during that period M. le Receveur, a French ecclesiastic, of the order of Friars Minims, who accompanied the expedition in the capacity of naturalist, died of wounds he had received at

the Navigators' Islands, and was buried at Botany Bay.* A mutual interchange of civilities was kept up between the English and French officers while the latter remained on the coast; and the reader is doubtless aware that this was the last time that either La Perouse or any of his unfortunate fellow-voyagers were either seen or heard of alive by civilised men. After the lapse of forty years, and the unsuccessful issue of a voyage undertaken expressly to ascertain the place and the manner of his fate†, the melancholy truth was at length ascertained by Captain Dillon, of the Honourable East India Company's ship *Research*. Both vessels, Captain Dillon ascertained, had struck one stormy night on a dangerous coral reef off the Manicolo or Mallicolo Islands, to the northward and eastward of Port Jackson, and had soon gone to pieces. Some of the crew had, it seems, reached the land, and one or two of their number had chosen rather to remain on the island, while the rest had unsuccessfully attempted to reach some civilised country: but the last of the unfortunate survivors had died several years before Captain Dillon visited the island in search of the evidences of their fate. I went on board the *Research*, while she lay at anchor in Port Jackson, on her way to Europe, to see the interesting reliques discovered by Captain Dillon; and I could not help thinking they possessed an additional interest from the circumstance of their being thus brought back, in the first instance, to the very country from which the unfortunate navigator himself had last sailed, with

* The following epitaph was inscribed on a monument erected to the memory of M. le Receveur, by La Perouse, at Botany Bay:—

Hic jacet Le Receveur,
e F. F. Minimis Galliæ Sacerdos,
Physicus, in circumnavigatione
Mundi,
Duce de la Peyrouse.
Ob. 17 Feb., 1788.

† The voyage of Admiral D'Entrecasteaux.

such high expectations, upwards of forty years before. That country, I could not help thinking also, was then an interminable forest; and a few miserable convicts from the jails of England had just been landed on its shores. In the interval that had elapsed, the forest had been cleared away; towns and villages had arisen, as if by magic, in the wilderness; and the haunts of the solitary savage were already inhabited by eighty thousand Europeans.*

When Governor Phillip hoisted the British ensign on the shores of Sydney Cove, they were by no means thickly wooded, as compared with the heavily-timbered alluvial land of the colony on the banks of rivers; but the trees were lofty and of hard timber, and of course difficult to fell. A sufficient extent of ground had therefore, in the first instance, to be cleared for a settlement: houses had then to be erected for the principal officers of the colony, with an hospital for the sick, a barrack for the soldiers, huts for the convicts, and a magazine for the stores and provisions.

These operations, however, proceeded but slowly; for there were only a very few mechanics among the convicts, and still fewer among the sailors and marines. Indeed, there seems to have been a strange want of foresight, on the part of the proper authorities in the mother country, in sending out so very few persons with Governor Phillip, whose abilities could be rendered available in establishing

* Including the inhabitants of Van Dieman's Land at the period referred to. A monument bearing the following inscription has been erected to the memory of M. de la Perouse at Botany Bay:—

“A la mémoire de Monsieur de la Perouse. Cette terre, qu'il visita en 1788, est la dernière d'où il a fait parvenir de soi nouvelles. Erigé au nom de la France par les soins de MM. Bougainville et Ducampier, commandant la frégate *La Thétis* et la corvette *l'Espérance*, en relâche au Port Jackson en 1825.

Le fondement posé en 1825;
Elévé 1828.”

such a settlement as it was intended to form. Besides, the length and confinement of the voyage, and the necessity for subsisting for a long period on salt provisions, as the country afforded no indigenous vegetation for the sustenance of man, subjected the colony to a general attack of the scurvy, under which a number of the convicts, whose constitutions were perhaps but ill adapted to withstand so calamitous a visitation, gradually sunk; while in others it induced that entire prostration of all the energies of our nature, which that singular and malignant disease uniformly occasions. Of the convicts embarked in the first fleet, forty had died on the passage, and twenty-eight during the first five months after the settlement was formed. At the expiration of that period, sixty-six were under medical treatment, and two hundred were unable to work.

In these circumstances, Governor Phillip's first care was to provide for the future subsistence of the colony, and to render it, as soon as possible, independent of supplies from England: in this particular, however, he had to encounter a serious difficulty, which, it seems, had not been anticipated. Of the convicts, very few comparatively knew any thing of agriculture, and there was scarcely a single free person in the settlement who was able to instruct them. A few individuals had, indeed, been sent out by Government in the capacity of agricultural superintendents; but, on putting them to the trial, it was found, that although they professed to have been accustomed to the "farming business" in their youth, they were generally quite unacquainted with agricultural operations. In short, for a considerable period after the formation of the settlement, there was only a single individual in the colony—a man whom the Governor had hired in England as his body-servant—who could either manage the convicts successfully or instruct them in agriculture; and this person, unfortunately, died in the year 1791. In such circumstances, the reader will easily

conceive how much valuable labour must necessarily have been altogether misapplied, and how much absolutely lost to the colony.

Notwithstanding these discouraging circumstances, land was cultivated in various localities. The first government-farm in the colony was an extent of nine acres of ground in Farm Cove, a little to the eastward of Sydney; but the natural sterility of the soil in that vicinity was extremely unfavourable to agricultural operations, and the crop was consequently very inadequate. A more promising situation was soon found, however, at the western extremity of the harbour, on the banks of a small stream of fresh water, about fourteen miles from Sydney. An agricultural settlement was accordingly formed in that locality, which the Governor named *Rosehill*; but finding afterwards that the natives called the place Parramatta, he substituted that name for the one he had given it — thereby exhibiting a degree of common sense, conjoined with a correctness of taste, which has been but seldom evinced by certain of his more ambitious successors. In November, 1791, there were upwards of seven hundred acres of land in cultivation at Parramatta; but as the ground in that vicinity is now considered of inferior quality, the return could scarcely have been commensurate with the cost of its cultivation. In addition to the natural sterility of the soil then under cultivation, the colony was unhappily visited, during the government of Captain Phillip, with one of those distressing droughts to which it seems periodically subject, and which, occurring at that particular crisis, was sufficient to have damped the ardour of the most sanguine of its friends.

The highly favourable account which Captain Cook had given of the soil and climate of Norfolk Island, which is situated on the twenty-ninth parallel of south latitude, to the northward of New Zealand, and the expectation that the cultivation of New Zealand flax, which is indigenous on that island, might prove beneficial to the

mother country, had induced the Imperial Government to desire Captain Phillip to form a settlement on Norfolk Island. Mr. King, the second lieutenant of the *Sirius*, was accordingly sent thither for that purpose, with a small detachment of marines and convicts, amounting in all to twenty-seven persons. Mr. King appears to have acquitted himself with much vigour and ability. Notwithstanding the various discouragements arising from droughts and blighting winds, as well as from the serious depredations of birds, rats, grubs, and thieves, to which the settlement was at first exposed, a large extent of ground was gradually cleared and cultivated; and the prospect of raising subsistence for a considerable population appeared in every respect more favourable than at Port Jackson. The number of persons on the island was in consequence gradually increased by successive detachments of marines and convicts from head-quarters; and in December, 1791, about a thousand bushels of wheat were reaped on the island, and five hundred of maize. Mr. King had, in the mean time, been ordered to England by Governor Phillip with dispatches for Government; and for his services in establishing that promising dependency he was rewarded with the rank of master and commander in the navy, and appointed Lieutenant-Governor of Norfolk Island.

Norfolk Island is about seven leagues in circumference, and, except in a few places where the landing is exceedingly unsafe and precarious, is bounded by precipitous cliffs, on which the surf breaks frightfully when the wind blows with violence from any quarter. It appears to be of volcanic origin, and consists entirely of a series of hills and valleys alternating like the waves of the ocean, each of these valleys being watered with a running stream from the hills. The soil, even to the tops of the highest hills, is the richest vegetable mould, and the vegetation partakes of that intermediate character which distinguishes the temperate regions adjoining the tropics. I have already

observed that the *phormium tenax*, or New Zealand flax, is indigenous on the island; and the Norfolk Island pine, which attains a diameter of nine feet, and a height of upwards of one hundred and eighty, throwing around it a series of branches at regular intervals, each like a beautiful Prince of Wales' feather, is perhaps the most splendid botanical production in nature. This beautiful island, which appears peculiarly adapted for the cultivation of coffee, if not also for the production of sugar, and in the settlement of which much valuable labour and much British capital had been expended, was at length abandoned, agreeably to instructions to that effect from the Secretary of State for the Colonies, during the government of Captain Bligh; the settlers, who were living on it at the time, being unwillingly removed to a settlement called New Norfolk, in Van Dieman's Land. The change of circumstances experienced by these settlers, of whom there were no fewer than eighty so early as the year 1791, was by no means so favourable as they had been induced to anticipate; but the island was again taken possession of in the year 1825, during the government of Sir Thomas Brisbane, and it has ever since been occupied as a penal settlement, first for the colony of New South Wales, and afterwards for that of Van Dieman's Land.

Throughout the whole period of his government, Captain Phillip endeavoured, with a zeal and perseverance which evinced the correctness of his judgment and the benevolence of his disposition, to conciliate the aborigines of the territory. It was scarcely possible entirely to prevent the injuries they were likely to receive on the part of the wretchedly depraved population which had been landed on their shores; but he uniformly punished such aggressions, when they could be brought home to any particular individual, although it not unfrequently happened that either the aggressor himself or some other white man speedily fell a victim to savage revenge. In humanely endeavouring, on one occasion, to conciliate

a large party of the aborigines who had assembled near the mouth of the harbour, by advancing among them alone and unarmed, the Governor was himself speared by a black native, of a tribe residing at some distance from the settlement, who had probably never seen a white man before: but the wound not proving fatal, and the Governor having ascertained that the spear was thrown by the native under misapprehension of his intentions and in self-defence, all measures of retaliation were strictly prohibited.

But all the efforts of the Governor, as well as of other humane individuals in the colony, to effect the permanent civilisation of any of that miserable people, proved utterly abortive. There was no difficulty in inducing individuals of their number, particularly the young, to reside for a time in European families, and to acquire the habits and learn the arts of civilisation; but sooner or later they uniformly rejoined the other children of the forest, and resumed the habits of savage life. Bennilong, an intelligent native, of some consequence in his tribe, had been domesticated in the Governor's family, and could acquit himself at table with the utmost propriety. On returning to England, Captain Phillip carried him along with him, and introduced him as an interesting specimen of the aborigines of the colony, in many of the highest circles in the mother country: on returning, however, to his native land, Bennilong speedily divested himself of his European attire, and rejoined his tribe as a naked savage, apparently unimproved in the least degree by his converse with civilised man.

In the year 1788, the number of the aborigines inhabiting the shores of Port Jackson was very considerable: a disease, however, somewhat resembling the small-pox, which appears to have prevailed among them to a great extent, shortly after the establishment of the colony, thinned their ranks very sensibly, and left only a comparatively small number to inherit the invaded patrimony

of their forefathers. Numerous dead bodies were from time to time found by the colonists in all directions in the vicinity of the harbour, in the very attitude in which the wretched individuals had died when abandoned by their tribe from fear of the pestilence. Besides, the natives could not be supposed to be so utterly devoid of understanding as not to perceive that the occupation of their country by white men was likely to diminish their means of subsistence. "White-fellow come," said an intelligent black native, of a tribe residing beyond the Blue Mountains many years ago; — "White-fellow come, kangaroo all gone!" This impression, heightened to madness, as it must often have been, by the positive aggressions of the convicts, led not unfrequently, in the earlier years of the colony, to the desultory and abortive, but murderous efforts of savage warfare. *Commandoes**, as they are called by the Dutch colonists of South Africa (for I am happy to say that the English language does not afford a word expressive of the idea), were of course fitted out against the wretched aborigines; and many of their number, I believe often with but little necessity, fell before the bullets of the military. There is black blood, at this moment, on the hands of individuals of good repute in the colony of New South Wales, of which all the waters of New Holland would be insufficient to wash out the deep and indelible stains! But the vicious example of the convict population of the colony has already done much more to annihilate the miserable remnant of this degraded race, in all the more populous districts of the territory, than could have been effected, in a much longer series of years, by the united agency of war and famine and pestilential disease!

It seems, indeed, to be a general appointment of Divine Providence, that the Indian wigwam of North America, and the miserable break-wind of the aborigines of New

* Murderous expeditions against the aborigines of a country forcibly taken possession of by Europeans.

Holland, should be utterly swept away by the flood-tide of European colonisation; or, in other words, that races of uncivilised men should gradually disappear before the progress of civilisation, in those countries that have been taken possession of by Europeans. Humanity may interpose, for a season, for the preservation of the savage man, and the Christian missionary may endeavour, successfully perhaps in some instances, to raise him from the darkness and the slavery of heathenism to the light and liberty of the Gospel; but European vice and demoralisation will, even in free colonies, ere long infallibly produce a rich harvest of misery and death among the choicest flowers of the forest; and the miserable remnant of a once hopeful race will at length gradually disappear from the land of their forefathers, like the snow from the summits of the mountains on the approach of spring!

Governor Phillip did all that a governor could be expected to do, in the peculiarly unfavourable circumstances in which he was placed, for the encouragement and reward of industrious and virtuous persons, and the repression of open immorality. Observing, immediately after the formation of the colony, a tendency to the establishment of a system of profligacy, which was afterwards introduced, and but too generally countenanced, by the practice of men of influence in the territory, he endeavoured, in an Address which he delivered to all the inhabitants of the colony on the 7th of February, 1788, when the Act of Parliament, establishing the colonial government, was publicly read, to point out the evils that would infallibly arise from such procedure, and “strongly recommended marriage to the convicts, promising every kind of countenance and assistance to those who, by entering into that state, should manifest their willingness to conform to the laws of morality and religion.” And the good effect of this highly politic and Christian recommendation was very speedily apparent; for during the

ensuing week no fewer than fourteen marriages were solemnised among the convicts.

In direct opposition, moreover, to an absurd idea which seems to have been taken up by one of his successors, viz., "that the colony was intended exclusively for convicts, and that free people had no right to come to it," Governor Phillip very speedily perceived the important advantages which the colony was likely to derive from the settlement of virtuous and industrious families of free emigrants in its territory; and accordingly recommended to the Home Government to hold out every encouragement to such emigrants, and to afford them every assistance.

"The settler, to benefit this colony," observes Colonel Collins, after several years' experience of convict labour, —and Governor Phillip appears to have been precisely of the same opinion,— "the *bonâ fide* settler, who should be a man of some property, must come from England. He is not to be looked for among discharged soldiers, shipwrecked seamen, or *quondam* convicts."* And again, "More labour would have been performed in this country by one hundred (free) people from any part of England or Scotland, than had at any time been derived from three hundred of these people (convicts), with all the attention that could be paid to them."†

It was in consequence of these recommendations, on the part of the governor of New South Wales, that several families of free emigrants were conveyed to the colony, at the public expense, in the year 1796, and that the free emigrant settlement of Portland-Head on the banks of the Hawkesbury was formed in the year 1802. The families who emigrated to New South Wales at these periods, were allowed a free passage to the colony, at the

* Account of the English Colony of New South Wales, by David Collins, Esq., late Judge-Advocate and Secretary of the Colony. London, 1798, p. 235.

† Ibid. p. 40.

expense of Government, a grant of land in the territory, and rations, for eighteen months after their arrival, from the King's stores.

Governor Phillip's practice was in perfect accordance with the idea he had thus formed in regard to the best mode of promoting the advancement and prosperity of the colony; for of the first four grants of land that were made to private individuals in New South Wales, three—comprising an extent of two hundred and sixty acres—were made to persons who had arrived free in the colony, and one—comprising an extent of thirty acres—to an emancipated convict. These grants were all given on the 30th of March, 1791; and the localities assigned them were, the first three on the north, and the fourth on the south side of the creek leading to Parramatta, now called the *Parramatta River*. On the 5th of April following, grants of sixty acres each were given, at the dependency of Norfolk Island, to forty marines, who chose rather to remain in the colony as free settlers, than to return to England with the detachment to which they belonged, and which was then ordered home. On the 18th of July, 1791, twenty-three emancipated convicts were admitted as settlers, having grants of twenty, thirty, or fifty acres allotted to them, according to circumstances—some at Prospect, a few miles to the westward of Parramatta; and others between that settlement and the town of Sydney. And on the 17th of August following, twenty additional emancipated convicts received grants of land; ten of ten acres each in Norfolk Island, and the other ten of thirty, fifty, or sixty acres in New South Wales. In all, therefore, eighty-seven grants of land had been given by Governor Phillip up to the 18th of August, 1791; forty-three to persons who had arrived free in the colony, comprising an extent of two thousand six hundred and sixty acres; and forty-four to emancipated convicts, comprising an extent of one thousand five hundred acres.

To each emancipated convict who chose to settle in

the colony on the expiration of his sentence, Governor Phillip allotted thirty acres of land ; fifty acres if he was married, and ten acres additional for every child in his family. The settler of this class was also allowed clothing and rations for himself and family from the King's Stores, for twelve or eighteen months, together with the necessary implements of husbandry and seed to sow his ground the first year. Two female pigs were added by way of farther indulgence, from the Governor's private stock, to enable the settler to raise a stock of that useful domestic animal for himself ; as there was no live stock of any kind in the colony, at the time in question, belonging to the Crown.

These measures sufficiently evince the theoretical excellence of the system of Transportation to New South Wales, as originally devised by the British legislature, and carried into operation by Governor Phillip : they also evince the peculiar adaptation of the means employed for attaining the main object of the settlement of the colony, and the enlightened zeal with which the Governor pursued that object to the utmost of his ability. On the one hand, the length and consequent expense of the voyage to England precluded the convict, on the expiration of the period of his sentence, from returning thither. I am aware, indeed, that men of morbid sensibility in the mother country have affected to consider this as a great additional hardship. For my own part, as I have very little respect for the patriotism of a thief, or for his love of country, I think it was not only an allowable, but an admirable device of the legislature, to render the return of such persons to the mother country, in any circumstances, as difficult as possible. On the other hand, the emancipated convict had every inducement to settle in the land of his banishment, and to adopt that mode of life which was certainly the likeliest to wean him from his former habits, and to render him a reputable and useful member of society. In short, the whole system

was admirably devised; and in order to have proved thoroughly successful, it only required to be managed with the same enlightened zeal and warm benevolence that superintended the first development of its unchecked operation.

The first free emigrant, and indeed the first person of any class in society, who obtained a grant of land in the colony of New South Wales, was a German, of the name of Philip Schoeffer. He had been sent out in the First Fleet as an agricultural superintendent, chiefly with a view to attempt the cultivation of tobacco, on account of Government; as the province of Virginia, from which that article had previously been obtained, had then ceased to be a British colony, and as the soil and climate of New South Wales were supposed likely to prove not unfavourable for its cultivation. Schoeffer's grant was the largest of all those I have enumerated, comprising an extent of one hundred and forty acres. Unfortunately, however, he had contracted habits of intemperance, and accordingly contrived to get rid of it. He afterwards obtained a grant of fifty acres, in what now constitutes an exceedingly valuable locality in the town of Sydney, but was induced to surrender it to the colonial government for public purposes about the year 1807, receiving as a compensation twenty gallons of rum, which was then worth 3*l.* a gallon, and a grant of similar extent at Pitt Water, one of the inlets of Broken Bay. There had been a female convict in the First Fleet—a native of the isle of Skye in Scotland—of the name of Margaret M'Kinnon, who had been transported for the crime of arson, having set fire to her neighbour's house in a fit of jealousy. Schoeffer married this woman and settled on his farm at Pitt Water, where he lived many years; but old age, poverty, and intemperance induced him at length to sell it by piecemeal, and he died at last in the Benevolent Asylum, or Colonial Poors' House. I have introduced this episode chiefly to point out the sort of accidents on

which the acquisition of wealth in a new country not unfrequently depends; for if Schoeffer had only retained his fifty-acre farm in Sydney for about thirty years longer, he could have sold it for at least 100,000*l.*, which, at the usual rate of interest in the colony, at that period, would have yielded him a permanent income of 10,000*l.* a year.

Governor Phillip was particularly active in exploring the country around Sydney, and in ascertaining its capabilities: he caused an accurate survey to be made of Botany Bay, Port Jackson, and Broken Bay; and in examining the numerous inlets of the last of these harbours, he was fortunate enough to discover a large river, which he traced for upwards of a hundred miles from its mouth, and named the *Hawkesbury*. The banks of this river, which in the upper part of its course consist chiefly of the richest alluvial soil, were for thirty years afterwards the granary of New South Wales.

It was in conducting the colony, however, with much firmness and discretion, through a period of distressing privation, to which it was subjected by an unforeseen calamity during his administration, and in alleviating the sufferings of the colonists by every means in his power, that Governor Phillip merited the highest commendation. It had been arranged, previous to his leaving England, that the settlement should never be left without a twelve-month's provisions in the King's Stores. In pursuance of this arrangement, the store-ship *Guardian* had been despatched from England in the month of August, 1789, with a large supply of provisions and other stores for the settlement. The *Guardian* was commanded by Lieutenant Riou, of the Royal Navy, an officer of great promise, who afterwards commanded a ship of the Line, and was killed at the battle preceding the seizure of the Danish fleet at Copenhagen; on which occasion the celebrated Lord Nelson, in alluding to his death in his despatch to Government, lamented him as *the gallant and good Riou*.

Captain Riou had gone considerably farther to the southward than the route now generally pursued by vessels bound to New South Wales ; besides, it was the middle of summer when he reached the southern latitudes, and the prevalence of southerly winds for some time before had brought down a quantity of ice from the southward ; for during the night of the 23rd of December, 1789, his vessel unfortunately struck an iceberg, in lat. 46° or 47° S., to the southward and eastward of the Cape of Good Hope, and received so much injury that she was almost immediately afterwards nearly filled with water. Finding her almost a complete wreck, Captain Riou assembled the officers, passengers, and crew, and, pointing out to them the state of the vessel, told them that if any of them preferred leaving the ship, they should have boats, provisions, and nautical instruments, to enable them to reach the nearest accessible land ; but that he himself was determined to remain on board while she continued to float. Most of the ship's company and passengers preferred leaving the vessel ; and three boats were accordingly provisioned and manned, and their crews left the ship on their dreary and almost hopeless voyage up the Indian Ocean ; for as westerly winds are the most prevalent in these latitudes, they could not expect to reach the Cape of Good Hope. One of them only had the good fortune, after suffering extreme privations, to reach the Isle of France, for which, it seems, they had all stercored ; the other two never reached the land.

Providentially for those who remained on board the Guardian, Captain Riou had caused the water-casks to be carefully bunged up, as they had been successively emptied on the former part of the voyage. The vessel, being thus rendered much more buoyant than she would otherwise have been, continued to float, though nearly full of water ; but as she had lost her rudder, in addition to the other damage she had sustained from her collision with the iceberg, she was tossed about at the mercy of

every tempest, and her greatly diminished crew were doomed to suffer the severest privations. A French frigate, however, having at length fallen in with her near the Cape of Good Hope, towed her into Table Bay, where she was afterwards completely wrecked in a gale.

The disappointment of the colony at the non-arrival of the *Guardian* may be easily conceived. It was grievously heightened by the arrival of the *Lady Juliana* Transport, with additional convicts from England, who had been despatched some time after the sailing of the *Guardian*, in expectation of the previous arrival of the stores forwarded by that vessel. The frigate *Sirius*, Captain Hunter, had been despatched to the Cape of Good Hope by way of Cape Horn for a supply of provisions for the settlement, in the month of September, 1788, and had returned to Sydney, after circumnavigating the globe, in May, 1789; but that supply was at length nearly exhausted, and famine was already beginning to stare the colonists in the face; for in the month of February, 1790, there were not four months' provisions in the colony, even at half allowance.

In these circumstances, Governor Phillip deemed it necessary to divide the settlement, by sending the Lieutenant-Governor, Major Ross, with a number of marines and convicts, to Norfolk Island, where he understood there were resources, which Port Jackson and the country around it did not afford. Major Ross and his officers, with two companies of marines and about two hundred convicts, together with a fair proportion of the remaining provisions and other stores, were accordingly embarked for Norfolk Island, on board the ships *Sirius* and *Supply*, and arrived at the island on the 13th of March, 1790. The officers, marines, and convicts, to the number of two hundred and seventy persons, were all safely landed by the 15th; but the wind suddenly shifting to the eastward, the two ships, containing all the provisions and stores, were immediately after driven to sea. They made the land again on the 19th; and observing the customary

signal on shore, informing them that a landing might be effected without danger from the surf, every exertion was made to bring the vessels into a proper position for that purpose: but, in doing so, the *Sirius* unfortunately struck on a reef of coral rocks in the roadstead, and was totally wrecked, within sight of the half-famished settlement. In the evening after the frigate struck, the wind freshened again, and it was consequently no longer practicable to effect a landing by boats. As it was considered dangerous in the extreme, however, to remain longer on board the frigate, a strong hawser was carried out from the wreck, and fixed to a tree on shore, by means of a rope which was floated on shore through the surf by an empty cask; and by that perilous conveyance Captain Hunter and his ship's company were all successively dragged in safety, through a heavy surf and over a ragged reef, to the land. The weather subsequently becoming somewhat more favourable, the greater part of the provisions was at length happily saved from the wreck; but the officers' baggage and the other stores were for the most part lost or destroyed in attempting to float them on shore.

When the excitement produced by this distressing calamity had somewhat subsided, the Lieutenant-Governor, finding that there were five hundred and six persons on the island with provisions at half allowance for only a very short period, deemed it necessary, in consideration of the alarming situation of the settlement, and the desperate character of the majority of the convicts, to proclaim martial law in the island. This was accordingly done with great solemnity; every person on the island, from the Lieutenant-Governor to the meanest convict, testifying his assent to the measure by passing successively under the King's colours. As the *Supply* had sailed for Port Jackson a few days after the wreck of the frigate, hopes were entertained for several weeks of her speedy return to the island with the joyful intelligence of the arrival of a store-ship with supplies from England: but

as week passed after week without any tidings of a vessel, it was at length concluded that no vessel had arrived, and that the Governor had been obliged, as was actually the case, to send off the Supply to Batavia or the Cape for provisions for the settlement. In this deplorable situation a council of the officers on the island was held on the 14th of May, 1790, and the following "General-Order" was published: —

"At a meeting of the Governor and Council, held to consider of the very exhausted state of the provisions in this settlement, and to consult upon what means are most proper to be pursued, in order to preserve life until such time as we may be relieved by some arrivals from England, of which we have been so long in expectation, but probably disappointed by some unfortunate accident having happened to the ships intended for this country; the state of the provisions having been laid before the Council, and the alarming situation of the settlement having been taken into their most serious consideration, the following ratio of provisions was unanimously resolved and ordered to take place on Saturday the 15th instant; viz.: —

"Flour — three pounds per week for every grown person;

"Beef — one pound and a half per ditto, or, in lieu of the beef, seventeen ounces of pork;

"Rice — one pound per ditto.

"Children above twelve months old, half the above ratio. Children under twelve months old, one pound and a half of flour and a pound of rice per week. In future all crimes which may by any three members of the Council be considered as not of a capital nature, will be punished at their discretion by a further reduction of the present allowance of provisions."*

In these distressing circumstances, Divine Providence provided a temporary relief for the settlement, equally

* The insufficiency of the allowance issued at Norfolk Island at the period in question, may be judged of even by those who are unaccustomed to such a mode of calculating the amount of provisions required for the sustenance of a healthy person, by comparing it with the ration usually issued to convicts in New South Wales in after years, viz., ten pounds and a half of flour and seven pounds of beef per week, with an allowance of tea and sugar.

welcome and unexpected. In the quarter from which it came, it was like the manna that was rained from heaven around the tents of Israel in the wilderness, or rather like the quails that on one occasion fell for an extent of three days' journey around their encampment. "In the month of April," Captain Hunter observes, in his narrative of the proceedings at Norfolk Island, "we found that Mount Pitt, which is the highest ground on the island, was, during the night, crowded with birds. This hill is as full of holes as any rabbit-warren: in these holes at this season these birds burrow and make their nests; and as they are an aquatic bird, they are, during the day-time, frequently at sea in search of food: as soon as it is dark, they hover in vast flocks over the ground where their nests are. Our people (I mean seamen, marines, and convicts), who are sent out in parties to provide birds for the general benefit, arrive upon the ground soon after dusk, where they light small fires, which attract the attention of the birds, and they drop down out of the air as fast as the people can take them up and kill them. When they are upon the ground, the length of their wings prevents their being able to rise; and until they can ascend an eminence, they are unable to recover the use of their wings: for this purpose nature has provided them with a strong, sharp, and hooked bill, and in their heel a sharp spur, with the assistance of which, and the strength of their bill, they have been seen to climb the stalk of a tree sufficiently high to throw themselves upon the wing. This bird, when deprived of its feathers, is about the size of a pigeon, but when clothed is considerably larger, for their feathers are exceedingly thick: they are web-footed and of a rusty black colour: they make their holes upon the hills for breeding their young in: they lay but one egg, and that is full as large as a duck's egg. They were, at the end of May, as plentiful as if none had been caught, although for two months before there had not been less taken than

from two to three thousand birds every night: most of the females taken in May were with egg, which really fills the whole cavity of the body, and is so heavy, that I think it must fatigue the bird much in flying. This *bird of Providence*, which I may with great propriety call it, appeared to me to resemble that sea-bird in England called the puffin: they had a strong fishy taste; but our keen appetites relished them very well: the eggs were excellent.”*

The colonists at head-quarters were in the mean time reduced to similar, if not greater extremities; there being no birds, like the Norfolk Island peterel, to be caught near Sydney. The whole colony was for a long time on half allowance; but even that quantity being found greater than the King’s magazines could afford for any length of time, without in all probability subjecting the settlement to the horrors of absolute famine, a further reduction was ordered.† Indeed, the privations and sufferings of the first colonists at this period were extreme. A wealthy and respectable inhabitant of Sydney, who arrived in the colony as a free person during the government of Governor Phillip, has told me that his ration for a long period was merely a cob or single head of Indian corn a day, and that *for three years he had lived in the colony in the constant belief that he should one day perish of hunger!*

The energy and decision of character, tempered with

* An Historical Journal of Transactions at Port Jackson and Norfolk Island, &c., by John Hunter, Esq., Post-Captain in His Majesty’s Navy. London, Stockdale, 1793, pp. 180, 181.

† The weekly ration issued at Sydney from and after the 20th of April, 1790, was—

Two and a half pounds	flour	} per man.
Two	pounds rice	
Two	ditto pork	

But this ration was still further reduced on hearing of the wreck of the *Sirius* at Norfolk Island.

the utmost humanity, which Governor Phillip uniformly evinced in these trying circumstances, was a powerful means of inducing the colonists to submit to so calamitous a dispensation of Providence with unmurmuring patience. The Governor received daily the same ration as the meanest convict in the territory ; and on those occasions on which the established etiquette rendered it necessary that he should invite the officers of the colony to dine with him at Government House, he usually intimated that they must bring their bread along with them, as he had none to spare ; having previously surrendered the whole of his own private stock of flour — three hundred weight altogether — for the public service. On one of these occasions a humorous officer is said to have marched up to Government House with his loaf — one doubtless of very small dimensions — stuck upon the point of his sword. Indeed, it was greatly owing to the prudent management of Governor Phillip, that the settlement was not entirely abandoned (for the proposal to abandon it was actually made, but overruled by the Governor), amid the real hardships that attended its original formation. Various interesting traits of his character in this respect are still mentioned with interest by the older inhabitants of the colony : one of these is sufficiently characteristic : — On seeing any person with a dog in the course of his walks through the settlement, indignant at the maintenance of a useless mouth in the colony, and yet desirous that the owner of the dog should have a more valuable domestic animal, he would say, “ Kill your dog, sir, and I will order you a pig from the Store.”

During this period of suffering, the whole of the live stock belonging to Government, which had been brought to the colony from the Cape with so much trouble and at so great an expense, was killed for the subsistence of the settlement ; and as the insufficiency of the ration issued from the King’s Store induced a state of extreme bodily

exhaustion, all the Government works were suspended, and every person, whether free or bond, was allowed to employ himself for his own benefit as he chose.

The long expected relief at length arrived. In the end of June, 1790, three transports arrived in Port Jackson, containing part of the stores which had been saved from the *Guardian*; and in the course of the year following, the ship *Gorgon*, which had been converted for the time into a Store-ship, together with ten transports containing convicts, and constituting what was long afterwards known in the colony as the *Second Fleet*, also arrived. The mortality among the convicts who had been embarked in these vessels was absolutely frightful: in the *Surprise*, there had been forty-two deaths during the passage out; in the *Scarborough*, sixty-eight; and in the *Neptune*, one hundred and sixty four! On board the ten transports that formed the *Second Fleet* there had been embarked in England one thousand six hundred and ninety-five male, and sixty-eight female convicts, of whom no fewer than one hundred and ninety-four male and four females died on the passage out; and such was the state of debility in which the survivors landed in the colony, that one hundred and sixteen of their number, viz., one hundred and fourteen males and two females, died in the Colonial Hospital before the 5th of December, 1791. Of one hundred and twenty-two male convicts also, who had arrived per the Transport *Queen*, from Ireland, in the year 1791, there were only fifty alive in the month of May, 1792.*

Indeed, the mortality, both on shore and on the voyages undertaken to and from the colony in the earlier

* Calamitous, however, as this mortality undoubtedly was, it actually prevented the occurrence of something much worse, viz., the utter annihilation of the colony from absolute starvation. "Had not such numbers died," observes Colonel Collins, "both on the passage and since the landing of those who survived the voyage, we should not at this moment have had any thing to receive from the public stores; thus strangely did we derive a benefit from the miseries of our fellow-creatures."—*Collins*, p. 211.

years of its existence, was great beyond all comparison with the experience of later years. In the Transports hired by Government to convey convicts to New South Wales for some time previous to the discontinuance of transportation to that colony, the average mortality was perhaps not greater than two or three deaths for each vessel during the passage out; and there were instances of vessels arriving from England without having had a single death during the voyage. In the Second Fleet, however, the average mortality was twenty for each vessel; and the survivors were half-dead, or at least quite unfit for labour when they landed.*

The mortality on shore during the first years of the colony, contrasted with the universally acknowledged

* Great abuses were undoubtedly practised so long as convicts were carried out by contractors at so much per head; for it appeared, on an investigation which was instituted in the colony at the suggestion of Captain Parker, of H. M. S. Gorgon, that some of the captains of transports had very much abridged the convicts of the allowance stipulated by Government for their subsistence; this inhuman practice having been carried to such an extent in some of the ships, that many of the convicts had been literally starved to death. The shipowner received 17*l.* 7*s.* 6*d.* for each convict embarked at this period; and the more that died on the passage he had the greater profit on his voyage. From a parliamentary return, ordered by the House of Commons to be printed, 6th May, 1816, containing an "Account of the Number of Convicts who have died on their passage to New South Wales since the year 1810," it appears that, of nineteen ships, on board of which 3371 convicts had been embarked, there was one ship, *The Friends*, in which no death had occurred during the passage; four in which the deaths were one in each; five in which there had been two deaths in each; two in which there were three deaths; three in which there were four; one in which there had been five; one in which there had been ten; one in which there were as many as thirty-four deaths out of three hundred convicts; and one, *The Surrey*, in which there had been no fewer than thirty-six deaths out of two hundred convicts. In the last of these vessels a malignant fever, of which the captain, the first and second officers, and several of the crew died, had prevailed during the passage. No such calamity had occurred during the last twenty years of the Transportation-system in New South Wales.

salubrity of the climate of New South Wales, may easily be accounted for. It arose,—

1st, From the effects of the very inferior system of management on ship-board during the voyage out, as evinced in the case of the convicts of the Second Fleet, contrasted with the high state of health in which convicts generally arrived in the colony at a later period.

2nd, From long confinement to a ration of salt provisions, sometimes of inferior quality, and generally in insufficient quantity; and

3rd, From the mental despondency which an insufficient allowance of provisions, conjoined with the miserable prospect which the colony then appeared to hold forth to all parties, naturally induced.

The sufferings experienced from the second of these causes on board the vessels constituting the First Fleet, on their return to England from Port Jackson, were exceedingly great. Four of these vessels sailed from Sydney, by the northern passage, round the continent of New Holland, under the command of Lieutenant Shortland, Agent for Transports, in the month of May, 1788: but two of their number being separated from their leader, in a gale off the coast to the northward of Port Jackson, stood to the southward, and, doubling the south cape of Van Dieman's Land, reached Rio de Janeiro by the western passage, in such a state of extreme debility and exhaustion, however, that if a frigate then on the Brazilian coast had not sent her boats to assist them, they would not have been able to work up to the harbour. Lieutenant Shortland proceeded with the two remaining vessels to Batavia; but the scurvy attacking first the one ship's company, and then the other's, so many on board both vessels died, and so many of the remainder were rendered utterly unfit for service, that he was obliged to scuttle and sink one of the ships off the island of Borneo.*

* Of both crews only one man was able to go aloft when the remaining vessel reached Batavia.

The sufferings that were thus experienced by all parties connected with the original establishment of the colony of New South Wales were taken advantage of by ignorant or designing persons, to induce numbers of the convicts, and especially the Irish convicts, who, in the colonial phrase, were generally *no scholars*, to attempt the most desperate expedients to escape from the colony. Under the idea of finding a Chinese settlement to the northward, parties were ever and anon made up to travel overland to China; and many individuals, who either perished of hunger or were speared by the natives, speedily fell victims to this strange infatuation. At one time no fewer than forty convicts were absent from the settlement on the way to China!

A more successful and somewhat romantic attempt to escape from the durance vile of the colony was made on a different element in the year 1791. William Bryant, a convict fisherman employed for the settlement, stole a Government fishing boat, and escaped from the colony with his wife and two children, and seven other convicts, with the intention of reaching England by way of Timor and Batavia. Bryant had obtained from the master of the Dutch Snow, *Waaksamheyd*, which had been chartered to bring provisions to the colony from Batavia, after the wreck of the *Sirius* at Norfolk Island, a mariner's compass, a quadrant and a chart, together with such information as might assist him in reaching Timor. He was himself well acquainted with the management of a boat, and so also were two of his associates. They had laid up a supply of provisions beforehand, and they sailed the same day as the Dutch vessel sailed for England. Incredible as it may seem, they actually reached Timor, and afterwards Batavia. *There* Bryant died, as also one of his children and two of the convicts, a third having been drowned in the Straits of Sunda. The four remaining convicts, with the woman and child, were apprehended in Batavia by the Dutch government, and delivered up to

Captain Edwards, of H. M. ship *Pandora*, who afterwards conveyed them from the Cape of Good Hope to England. They excited extraordinary interest on their arrival in London, but the returned convicts were imprisoned for the remainder of their original sentence.

After the arrival of the Second Fleet in the year 1791, the affairs of the colony began to wear a more favourable aspect, and the prospect for the future was, on the whole, rather encouraging, when Captain Phillip, whose health had for some time been in a declining state, resigned the government of the colony, and embarked for England on the 11th of December, 1792; having administered its affairs with much credit to himself, and with general satisfaction to the little community, for nearly five years. During the remainder of his life he lived at Bath, and had a pension of 500*l.* a year allowed him, for his services in establishing the colony, by his Majesty's Government. Many years before his death, which took place in the year 1814, he had attained the rank of Vice-Admiral in the Royal Navy.

To sum up the character of this estimable man—Governor Phillip was ardent and uncompromising in the discharge of the duties of his office. His temper was somewhat quick, and his disposition peremptory; and he was punctiliously jealous, moreover, of the respect due to his station. But if not distinguished for amenity of manners, he was nevertheless a man of real benevolence, who had the welfare of the colony he governed deeply at heart.

During the administration of Governor Phillip, in the year 1791, the noble harbour of King George's Sound, which is destined to be of first-rate importance in steam communication between England and Australia, was discovered by Captain Vancouver of the Royal Navy, whose name is so honourably connected with the cause of geographical discovery on the north-west coast of America. It is situated near Cape Leeuwin, on the south coast,

within the limits of the colony of Western Australia, or Swan River. And in the year 1792, D'Entrecasteaux' Channel, which separates Bruné Island from the main land of Van Dieman's Land, was discovered by the French admiral, whose name it bears, in the course of his unsuccessful expedition in search of the unfortunate La Perouse.

At the close of the year 1792, the quantity of live stock, as well as of land in cultivation, in the colony, was as follows; viz.

Horned cattle, old and young	.	.	.	.	23
Horses	.	.	.	.	11
Sheep, which were then selling at 10 <i>l.</i> 10 <i>s.</i> each	.				105
Hogs	.	.	.	.	43

Land in Cultivation.

Acres in wheat	.	.	.	.	208 $\frac{1}{2}$
„ „ barley	.	.	.	.	24 $\frac{1}{4}$
„ „ maize	.	.	.	.	1186 $\frac{1}{2}$
„ „ gardens	.	.	.	.	121 $\frac{1}{4}$
„ „ cleared	.	.	.	.	161 $\frac{1}{2}$
					1703

The population at the close of the administration of Governor Phillip could scarcely have exceeded 3500 souls, exclusive of 889 persons of all ages in Norfolk Island; as in June of the following year, it amounted to 3959: the mortality during the year 1792 amounted altogether to 478 persons.

CHAPTER III.

STATE AND PROGRESS OF THE COLONY DURING THE
ADMINISTRATION OF GOVERNOR HUNTER.

“And they sent *the coat of many colours*, and they brought it to their father, and said, This have we found, know now whether it be thy son’s coat or no.”—GEN. xxxvii. 32.

IN the years 1790 and 1791, a military corps, designated *The New South Wales Corps*, which was afterwards embodied as the 102nd Regiment of the Line, was raised in England for the service of the colony. That service, it may naturally be supposed, was not considered, at so early a period in the history of the Australian colonies, either as the most dignified or the most enviable in which a British officer could be engaged; and commissions were consequently procurable in the New South Wales Corps on much easier terms than in certain other military bodies, such as the *Guards* or the *Blues*. It was, therefore, quite possible that gentlemen might have found their way into that corps who possessed, only in a very limited degree, that honourable high-mindedness which should ever constitute the proud distinction of the British officer; combining, as he is supposed to do, the elegant accomplishments of the gentleman and scholar with the unexceptionable morals of the reputable citizen, and holding in equal abhorrence the practices of the pettifogging dealer and the profligacy of the rake. And if this was actually the case, it was not to be wondered at, that members of the corps I allude to should, in process of time, be found sullyng their hands with the slime of colonial pollution, and banded together, on every suitable occasion, to maintain, by violence or injustice, what they had obtained by the sacrifice of honour. In short (for I have no wish to

be a dealer in enigmas) I am decidedly of opinion, that the formation of the New South Wales Corps was, both in a moral and political sense, the most ill-advised and unfortunate measure that the British Government could possibly have adopted towards their infant settlement on the coast of New Holland; and that, like the wrath of Achilles to the Greeks, *it entailed ten thousand sorrows* on the colony of New South Wales.

The greater part of the New South Wales Corps arrived in the Second Fleet; and, as Captain Phillip's successor did not arrive till the 7th of September, 1795, the government of the colony was administered, for nearly three years, by the commanding officers of that regiment; first by Major (subsequently General) Grose, and afterwards by Captain (subsequently Lieutenant-Colonel) Patterson, as lieutenant-governors of the territory. Of the public character of the former of these gentlemen, who was a near relative (I believe, a son) of the famous antiquary of the name, I am unable to speak particularly, excepting that the first use he made of his power was to merge the civil in the military authority, or rather to set aside the former in great measure altogether*; but Captain Patterson appears to have been a highly intel-

* This was virtually done in the First *General Order* of Lieutenant-Governor Grose, which was as follows:—

“All orders given by the captain who commands at Parramatta, respecting the convicts stationed there, are to be obeyed; and all complaints or reports that would be made to the Lieutenant-Governor, when present, are in his absence to be communicated to Captain Foveaux, or such other captain as may be doing duty with the detachment.”

Similar regulations were enforced in Sydney, where it was also directed “that *all inquiries by the civil magistrates were in future to be dispensed with* until the Lieutenant-Governor had given directions on the subject; and the convicts were not on any account to be punished but by his particular orders.”—*Collins*, p. 254.

This was a formal abolition of the civil authority and the substitution of a military despotism in its stead.

ligent and amiable man, who did not choose to hold the reins of government with a tight hand, but allowed things to take their natural course. The taste for governing on the small scale, and the means of rendering the resources of the Government indirectly subservient to their own private interests, which were thus acquired by the officers of the New South Wales Corps, were likely, even in less favourable circumstances, to have operated afterwards as a drag on the wheels of the colonial state-carriage, impeding its movements, and rendering its progress irregular and uncertain. In conformity to what might thus have been expected, the history of the colony, for the next fifteen years, exhibits little else than a series of struggles for the mastery, between the governor on the one hand, and that powerful and influential body on the other; till at length, the warfare which had long been carried on covertly, and by means of private representations to the authorities at home, assumed a less doubtful character; insomuch that the corps proceeded at last with open violence to wrest the reins of government out of the hands of the Representative of Majesty, and actually forced him out of the colony! *

The extraordinary fluctuations in the value of articles of domestic consumption, to which the colony was subject for many years after its original establishment, and the extraordinary profits that were not unfrequently realised on the investment of a small capital in mercantile speculation, afforded the officers of the New South Wales Corps

* In the year 1824, the late John Macarthur, Esq., who arrived in the colony in the year 1789 as Captain and Paymaster of the New South Wales Corps, but who was afterwards a merchant in Sydney, and subsequently an extensive proprietor of land and stock, told me, with evident feelings of self-satisfaction, that he had been the means of sending home every Governor of the colony but the last (meaning Governor Macquarie); and I am greatly mistaken if he did not render the same service to the then reigning Governor, Sir Thomas Brisbane.

both a temptation and an excuse for endeavouring to eke out their military income, which in such circumstances was often inadequate enough, by engaging either directly or indirectly in such speculations. The position, moreover, which they held for a considerable time in the colony, afforded them singular advantages in this respect; for as the King's stores contained whatever was supposed necessary for the comfortable subsistence of the settlement, there were ways and means of procuring from that source occasional supplies of useful articles at prime cost, which could afterwards be retailed at an enormous profit. The article *then*, and for many years after, in most frequent requisition throughout the colony, was rum; and in process of time it came to be established as a general rule, that there should be certain periodical issues of that article (as, for instance, on the arrival of a merchant-ship) to the officers of the Corps, in quantities proportioned to the rank of each officer.

The business of buying and selling, especially when attended with unreasonable profits, is so apt to foster the selfish feelings, and holds out so many temptations to the indulgence of a grovelling disposition, that I have often thought that it would be good policy in a Government administering the affairs of one of those money-making communities called colonies, to countenance and encourage what are commonly called the liberal professions, if it were only because they have a powerful tendency to bring into play the higher and nobler feelings of our nature. Certain it is, that the man who devotes all his energies to the mere concerns of buying and selling will at length come to estimate every thing, not according to what it is really worth, but only according to what it will *bring*. In this manner the very expansion of mind, which success in mercantile speculations generally induces, has a tendency to produce a corresponding degree of moral degradation; for the man who begins the world by buying and selling oranges, which is a lawful employ-

ment, and may therefore be honestly engaged in and honestly conducted, will perhaps end the matter by buying and selling seats in the British Parliament; *i. e.* by buying and selling the liberties of his country, which it is as infamous to buy as it is traitorous to sell.

Whether a process of this kind was in progress in the New South Wales Corps, it is not necessary to determine: certain it is, that instead of occupying the high standing which it was incumbent on gentlemen of an honourable profession to have uniformly maintained, especially in a convict colony, the officers of that Corps, from being buyers and sellers in general, gradually conceived the idea of establishing themselves as the only buyers and sellers in the colony. When a merchant ship arrived in the harbour, the officers of the Corps got the first sight of her *Manifest* and the choice of her cargo; and they had ways and means of allowing the free or emancipated convict-merchant to follow only at a humble distance in their *wake*. In short, the Honourable the East India Company were not the only military trading company, at the period in question, beyond the Cape of Good Hope. In the sale of tea and other India or China produce, of West India rum or Bengal arrack, and of soft goods or hardware of British manufacture, their example was diligently and successfully copied on the small scale by their military brethren in New South Wales.

The retail-trade was in the mean time variously managed. Most of the non-commissioned officers of the Corps had licences to sell spirits; and in this manner the superfluous rum of the Regiment was disposed of to the greatest advantage. It may be questioned, indeed, whether this was altogether in accordance with the declared intentions of the British Government, either in regard to the colony, as a place for the reformation of convicts, or in regard to the duties of those to whom their moral guardianship was entrusted: but then a much more important question recurs; for in what other way could the

gentlemen of the New South Wales Corps have disposed of their surplus rum?

I have already pointed out the salutary effects of Governor Phillip's recommendation relative to marriage. Had that recommendation been followed up by a suitable practice on the part of those into whose hands the government of the colony subsequently fell, the result, I am quite confident, would have been gratifying in the extreme. But the officers of the New South Wales Corps were neither all married, nor all virtuous men. Some of them, it is true, lived respectably with their families, and set a virtuous example to the colony, even in the worst times; but the greater number took female convicts of prepossessing appearance under their protection, and employed them occasionally in the retail-business. In so small a community as that of New South Wales, at the period in question, a *liaison* of this kind could scarcely be concealed. In fact, there was no attempt at concealment: decency was outraged on all hands; and the prison population laughed at their superiors for outdoing them in open profligacy, and naturally followed their example!

In a colony established for such purposes as that of New South Wales, it was doubtless a matter of the highest importance, nay, even of absolute necessity, that the officers, whether civil or military, in connexion with the government of the colony, should, in the first instance at least, have been married men — men of established moral character; and no person can doubt for a moment that it was quite in the power of the Home Government to have found persons of this description in sufficient number to have enabled them to give appointments in the colony to such persons exclusively. It unfortunately happened, however, in the earlier times of the colony, that a large proportion of the civil and military officers of the settlement were unmarried men, of loose principles and dissolute habits; who, setting at defiance the laws of God and the opinions of virtuous men, lived in a state of

open and avowed profligacy, thereby setting an example which was but too generally followed by the convicts, and the demoralising and debasing influence of which was long widely perceptible throughout the territory. For it is a lamentable fact in the history of New South Wales, that the progress of reformation, which, under a judicious system of management, and under the guidance of virtuous and philanthropic men, would have been rapid and general among the convicts, was checked at the very outset, and was ever afterwards, during the whole period of the existence of the colony as a penal settlement, counteracted at every step by the vicious practices and the demoralising example of no inconsiderable proportion of the free inhabitants of the colony.

It was not to be supposed that such a system as the one I have described, in regard to the New South Wales Corps, could be witnessed without much personal annoyance by the earlier Governors of the colony, or borne without much murmuring and complaint by the colonists. Acrimonious bickerings on the subject were in consequence incessant; but every endeavour to put down the obnoxious system was unavailing, and was only met by reiterated clandestine complaints to His Majesty's Ministers, on the part of the injured officers of the Corps, which, unfortunately for the colony, were not unfrequently too successful. Besides, there were ladies, connected with the New South Wales Corps, who could wield tongues and hands in support of the favourite system, as well as their protectors could wield pens and swords; and the armed confederacy was consequently much too strong for the *sailor-officers*, who successively stood singly at the helm of the little colonial state-vessel for the first twenty years after she was launched, and who accordingly relieved each other with a rapidity, which, for so distant a colony, and so apparently undesirable a situation as the governorship of Botany Bay, was perfectly unaccountable.

The second Governor of New South Wales was John

Hunter, Esq., Post-captain in the Royal Navy. Captain Hunter was a native of Scotland, and had been appointed, in virtue of a special Order in Council, second captain of the *Sirius* frigate, in the year 1787; Captain Phillip having the temporary command of that vessel during the voyage to New South Wales, as well as the general command of the expedition for the establishment of the colony. In this capacity, Captain Hunter had made great exertions and undergone great privations; and the experience he had thus acquired was well calculated to qualify him for the more important charge with which he was afterwards entrusted. After the wreck of the *Sirius*, and his long detention at Norfolk Island, Captain Hunter had returned to England in the Dutch Transport ship *Waaksamheid* (Anglicè *Activity*), which had been hired at Batavia to carry provisions to the colony, and was afterwards purchased by the Government to convey Captain Hunter, with his officers and crew, to England.

Captain Hunter assumed the government of the colony on the 11th of September, 1795. During his government, the first free settlers, who emigrated to New South Wales in pursuance of Governor Phillip's recommendations, arrived in the territory; and one of their number—a Scotchman from the neighbourhood of Edinburgh whose sons are now substantial landholders in different parts of the territory—has told me, that the Governor went with him in person to superintend the measurement of his land, and to ascertain in what way he could promote his settlement, and render it as comfortable as possible. Indeed, Governor Hunter appears to have been a man of sound judgment, of strictly virtuous principles, and of warm benevolence; and had he not been counteracted by the influence and the practices I have already described, the colony would have prospered greatly under his administration, and profligacy would have hidden her head and been ashamed.

As a specimen of the sort of counteraction to which the

earlier Governors of the colony were not unfrequently subjected, in making arrangements for the general benefit of the settlement, as well as of the spirit in which such interference was regarded by Governor Hunter, I relate the following anecdote, of the period I refer to. A mean and disreputable practice has all along prevailed in the colony of New South Wales, both in regard to Governors and to private individuals of respectable standing in colonial society, viz. that of sending home clandestine, and of course generally false information, relative to their private character or public procedure ; either to the Colonial Office, in the case of Governors, or to those influential persons or public bodies with whom it is of consequence to the other individuals I allude to to stand well. Captain Hunter was, on one occasion, the subject of the private communications of some colonial informer-general of this kind ; but His Grace the Duke of Portland, who then presided over the department of the Colonies, would not suffer an honest man to be thus stabbed in secret, and accordingly sent back the identical letter he had received, without note or comment, to the Governor. Captain Hunter handed it one day after dinner to a Scotch medical officer, who happened to be dining with him at Government House. "You will surely take notice of this, Governor," said the officer. "No," replied Captain Hunter ; "the writer of this letter has a family ; and if I should take any notice of it, I should only ruin his family. I will rather let him alone."

Governor Hunter soon found that the machine of government was not likely to move as it ought, while its wheels were clogged in the manner I have described. He accordingly represented the actual state of the colony in this important respect to the authorities at home, and, to remedy the enormous existing evils, strongly recommended that the New South Wales Corps should as speedily as possible be relieved by a detachment of marines—a species of force, which ought, indeed, never

to have been changed, so long as the government of New South Wales was entrusted to an officer of the navy. These representations appear to have been attended to; for some time afterwards a large body of marines was actually under orders to embark for the colony to relieve the New South Wales Corps; but the exigencies of the war with France rendering their services necessary at the time in some other quarter, their destination was subsequently changed.

The importance of the measure he had thus recommended for the future government of the colony, and the state of uncertainty in which he was long placed by the artful manœuvring of parties, whose interests were diametrically opposed to such arrangements, at length induced Governor Hunter to embark for England; which he did accordingly, in the month of September, 1800, to represent the state of the colony in person to the Home Government.* On his arrival in England, it was understood for some time, both by himself and his friends, that he would return to New South Wales, to resume the government of the colony; but whether any adverse influence had been employed by individuals connected with the colony to prevent his return, or whether a more favourable prospect had in the mean time opened up to him in the mother country, I am not aware: at all events, he never returned to New South Wales.

Shortly before the arrival of Governor Hunter, Messrs. Muir, Palmer, Skirving, Margarot, and Gerald, who had all been tried and found guilty of *stimulating the people of Great Britain to effect a reform of Parliament* in the year 1793, arrived in the colony under sentence of trans-

* Certain important dispatches on the state of the colony had been transmitted to England, by Governor Hunter, by a vessel which was taken by a French privateer ere she reached her destination. This necessarily occasioned much suspense, and made the Governor's position a very uneasy one.

portation* ; Mr. Palmer—who had been a clergyman—for seven years, and the others for fourteen. Mr. Gerald, who was a native of the West Indies, died of consumption on the 16th of March, 1796 ; and Mr. Skirving of dysentery—probably induced by the use of salt provisions—three days after. Mr. Margarot lived to return to Scotland on the expiration of his period of transportation ; and Mr. Palmer died on his way to England. Mr. Muir's history is well known. He was of highly respectable parentage in the west of Scotland, and had practised as an advocate at the Scottish bar. His case having excited a deep interest in America, the *Otter*, an American vessel bound for the north-west coast of that continent, was hired by certain gentlemen in Philadelphia or New York to touch at Port Jackson, for the express purpose of carrying him off from the colony. The plan proved successful ; and, on effecting his escape, Mr. Muir left a letter to the Governor, stating that he did not intend to infringe the laws of his country by returning to Great Britain, but that he would endeavour to reach America, where he would practise as a barrister till the expiration of his sentence should allow of his returning to Scotland. The *Otter* was unfortunately wrecked on the west coast of America to the northward of California ; but Mr. Muir was fortunate enough, after suffering much hardship and privation in travelling along the coast, to reach the city of Mexico, from whence he obtained a passage to Europe in a Spanish frigate. The frigate was fallen in with, however, by a British man-of-war off Cadiz ; and in the action that ensued and that issued

* The sentence passed on these unfortunate men was not merely harsh and vindictive, but absolutely illegal. By the law of Scotland, on which they were tried, they could only have been sentenced (under the statute of leasing-making, which was passed previous to the Union,) to banishment from that kingdom ; transportation, or banishment to a penal settlement, being then unknown to the Scottish law.

in the capture of the frigate, Mr. Muir was dangerously wounded, part of his brain being actually shot away. In this condition, and when lying apparently dead on the deck of the frigate, he was accidentally recognised by a Scotch officer, who had previously known him, from a small pocket Bible which had been given him by his mother, and which he held in his hand with the grasp of death. The officer humanely concealed the circumstance, but had him conveyed to an hospital on the Spanish coast, where every attention was paid him, and where he recovered sufficiently to enable him to proceed to Paris, on the invitation of the French Government, where he was treated with the most marked attention. He died, however, shortly after,—I believe in consequence of his wound. Mr. Muir had purchased a cottage near Sydney, where he passed his time chiefly in literary retirement. Every thing that enlightened delicacy could suggest had been done by Governor Hunter to render his situation, and that of his unfortunate friends, as little painful as possible; and they were only known and regretted in the colony as men who had themselves experienced all the bitterness of misfortune, but who were still willing to exert themselves to the utmost in relieving the miseries of others.

Shortly after the first settlement of the colony, two bulls and four cows had escaped from the Government herd, through the carelessness of the stockman, and were irrecoverably lost. This was universally felt as a serious calamity at the time, as the importation of stock into the colony from so great a distance as India or the Cape of Good Hope, was a matter of great uncertainty, as well as of enormous expense. Soon after the arrival of Governor Hunter, however, it was ascertained, to the great joy of the colonists, that the missing cattle had not perished, as had been feared, but had found pasture and been increasing at a great rate in the interior. For certain natives from the south-westward, who had come to attend

a *Corroboree*, or native dance of the aboriginal tribes around Sydney, imitated in their own dances the bellowing and butting of the strange animals they had seen in their wanderings, with such perfection that the mystery of their existence was at once revealed. The cattle had discovered a large extent, about 60,000 acres, of very superior pasture, in a place since called from the circumstance the *Cow Pastures*, about forty miles from Sydney, where they had increased and multiplied to upwards of sixty head. For many years thereafter this herd, which was at one time very large, was regarded as a valuable article of Government property, and was accordingly preserved from depredation with great care by the successive Governors. But being originally from the Cape, and of a very inferior breed, they became at last so great a nuisance to the colonial proprietors of stock, by mixing with their improved breeds from England, that they were all shot, during the government of Sir Thomas Brisbane, in the year 1824.

During the administration of Governor Hunter, agriculture made considerable progress, and the prospects of the colony consequently improved. The houses of respectable individuals were furnished with most of the comforts, and with not a few of the luxuries of life, through the intercourse that had then been recently opened with India; and the years of toil and famine were consequently forgotten. To each of the Government or military officers who had agricultural establishments in the colony, Governor Hunter allotted ten convicts as farm-servants, and three as house-servants. To each of the free emigrant settlers he allotted five convicts; to superintendents, constables, and storekeepers, four each; to marines who had become settlers, two; to emancipated convict settlers, one; and to sergeants of the New South Wales Corps, one each. The attempts to introduce cattle into the colony had generally been unsuccessful, most of them having died on the passage; horses, sheep, goats,

pigs, and poultry, however, had been introduced in greater numbers. The price of a cow, about a year after Governor Hunter arrived in the colony, was 80*l.*; a horse cost 90*l.*, and a sheep of the Cape breed 7*l.* 10*s.*; a breeding-sow sold for 5*l.*; geese and turkeys for a guinea each, and ducks for 10*s.* a couple. Mutton was 2*s.* a pound, goat's flesh 1*s.* 6*d.*, and butter 3*s.* Wheat sold for 12*s.* a bushel, and barley for 10*s.* Green tea was 16*s.* a pound, raw sugar 1*s.* 6*d.*, and soap 2*s.* Articles of the commonest description, however, for domestic use, were often sold at the most extravagant prices. For example, "at a sale in Sydney, in March 1798, twenty-two shillings were paid for one common cup and saucer!"

A small printing-press had been carried out to the colony by Governor Phillip, but had never been turned to use during his administration. It was used for the first time by Governor Hunter, in November, 1795, for printing public notices and Government orders; George Howe, from the island of St. Christopher in the West Indies, being the first Government Printer. The first place of worship erected in the colony (St. Philip's Church, Sydney), was also erected by Governor Hunter.* In the year 1793, two Spanish discovery ships—the *Descubierta* and *Atrevida*, "Discovery and Intrepid,"—under the command of the Marquis de Malaspina, having touched at Sydney in the course of their voyage, the priest on board the Admiral's ship, when told that there was no place of worship in the colony, although it was then in the sixth year of its existence, expressed his astonishment at the circumstance, and observed that if the country had been colonised by *his* nation, there would have been a

* Governor Hunter was a Scotchman and a Presbyterian, and the only saint whom he seems to have recognised was his late chief, Governor Phillip, in honour of whom—and not of his namesake the apostle—he named the church *St. Philip's Church*. Such was the primary aspect of Apostolical Succession in New South Wales.

house for God erected before they had reared one for man.

The population of the colony, at the close of the year 1800, when Governor Hunter embarked for England, was 5547 persons, including 776 children; in Norfolk Island, 961; total, 6508. Of this population, about one-third was located in Sydney, and the rest at Parramatta, Prospect, Toongabbee, and Castlehill, agricultural settlements in the interior. The following Statistical notices of this period will not be uninteresting.

Live stock and land in cultivation, in 1800:—

Horses	-	-	-	203
Cattle	-	-	-	1044
Hogs	-	-	-	4017
Sheep	-	-	-	6124
Goats	-	-	-	2182
Acres of land in cultivation				7677

Extent of land granted from 22nd February, 1792, to 25th September, 1800:—

By Governor Phillip	-	3,389 acres.
By Lieut.-Governor Grose	-	10,674 ditto.
By Lieut.-Governor Patterson	-	4,965 ditto.
By Governor Hunter	-	28,650 ditto.
Total	-	47,678 acres.

For the impulse and encouragement which he gave to maritime discovery along the coasts of New Holland, during the whole course of his administration, Governor Hunter deserves the highest praise.* In running along the east coast, from the southern extremity of Van Dieman's Land to Botany Bay and Port Jackson, in the years

* "Governor Hunter has been frequently heard to say that, with a few small vessels, perhaps three or four, if he could have obtained them, or if his instructions would have permitted his building them, he would, in the course of a short period, have gained some acquaintance with all that part of the coast which Captain Cook had not an opportunity of examining minutely."—*Collins*, 329.

1788 and 1790, he had been led, from the strong easterly current which he had experienced on that part of the coast, to entertain the opinion that a strait or deep gulf would be found to intersect the land between Maria * Island, to the northward of Van Dieman's Land, and the thirty-eighth parallel of south latitude, where the main land had been first fallen in with by Captain Cook. It was not, however, till the year 1798 that this important problem was finally solved, chiefly through the heroism and self-devotion of Mr. George Bass, surgeon of H. M. ship *Reliance*, who had in the meantime arrived in the colony. Mr. Bass had previously made a sort of experimental excursion along the coast to the southward, in company with Mr. Matthew Flinders, a kindred spirit, who was then a midshipman in the navy, in a small boat of only eight feet long, called the *Tom Thumb*, in which they had discovered and entered an inlet in the fertile district of Illawarra, about fifty miles to the southward of Sydney, since called *Tom Thumb's Lagoon*. But in December 1797, Mr. Bass was permitted by Governor Hunter to make an experiment of a much more adventurous character, viz., to ascertain whether there was really a strait between Van Dieman's Land and New Holland. For this purpose he obtained a whale boat, a crew of six volunteers from the ships then in port, and six weeks' provisions. With this slender equipment, he set sail on the 3rd of December, 1797, and on the 6th discovered Shoal Haven and the Shoalhaven River, with a large extent of rich country on its banks, in latitude $34^{\circ} 52'$ south. Entering Jervis and Bateman's Bays, which had previously been explored, on his course to the southward, he discovered Twofold Bay, near the south-eastern extremity of the land, on the 19th, and then doubling Cape Howe, stood to the westward, discovered and passed Wilson's Promontory, the southern extremity

* This is Tasman's Maria once more.

of the Australian land, and reached the noble harbour of Western Port on the south coast, which he also discovered, on the 4th of January, 1798. With occasional supplies of birds, fish, and seals' flesh, he had lengthened out his scanty supply of provisions to eleven weeks; returning to Port Jackson on the 24th of February, 1798, and thus performing the unprecedented achievement of a voyage of maritime discovery of 600 miles, in which he had virtually solved a most important problem, in an open boat.

Although the insularity of Van Dieman's Land was thus virtually determined, Governor Hunter despatched Messrs. Flinders and Bass, during the year 1798, to follow up and confirm the discovery which had thus been effected. In the course of this voyage they discovered and surveyed Port Dalrymple and the Tamar river in Van Dieman's Land, and completely circumnavigated that island. The strait which Mr. Bass had thus discovered was named by the Governor, in honour of his great merit, Bass' Strait. In regard to the subsequent career of this meritorious officer, it may not be out of place to add that Mr. Bass afterwards entered into partnership with the owner of an armed vessel, to carry on a sort of forced trade with the Spaniards on the coast of South America; but, being seized by the authorities at Valparaiso, together with several of his shipmates, when unfortunately off his guard, he was sent to the mines, where he doubtless perished miserably.

In the year 1799, Mr. Flinders was again despatched by Governor Hunter to explore Glasshouse or Moreton Bay, and Hervey's Bay, two inlets to the northward, which had been indicated, but not examined, by Captain Cook. In the course of this expedition Mr. Flinders discovered and partially surveyed Shoal Bay in $29\frac{1}{2}^{\circ}$ south latitude, and was for some time at anchor in Moreton Bay; but the expedition, as he states himself in the following para-

graph, was not attended with any important or gratifying results.

“I must acknowledge myself to have been disappointed in not being able to penetrate into the interior of New South Wales, by either of the openings examined in this expedition; but, however mortifying the conviction might be, *it was then an ascertained fact* that no river of importance intersected the east coast between the 24th and 39th degrees of south latitude.” — Flinders, Introduction, p. ccii.

So far, however, was this supposed fact from having been definitively ascertained by Mr. Flinders on the occasion in question, that two of the largest rivers on the east coast of New Holland were subsequently discovered in the two bays in which he had himself anchored in this expedition, viz., the Clarence River in Shoal Bay, and the Brisbane River in Moreton Bay.

During the government of Captain Hunter, a commodious harbour for small vessels was discovered by Lieut. Shortland, on the eastern coast, about sixty miles to the northward of Port Jackson. It was afterwards found that a navigable river, flowing from the westward, discharged its waters into this harbour; and, in following up that river towards its source, two other navigable streams were discovered flowing into it from the northward. The locality around the harbour was subsequently called Newcastle, from the abundance of excellent pit-coal in its immediate vicinity; the main river was named the Hunter, in honour of the Governor, and the two other rivers, the William and the Patterson, in honour of Lieutenant-Colonel William Patterson, the Lieutenant-Governor of the colony. The district watered by these rivers and their tributary streams, is at present the most extensive and perhaps the most flourishing, both as a pastoral and as an agricultural district, in the territory. It is now visited four times a week by two large steam-boats, that convey produce and passengers to and from

the capital; and the rising town of Newcastle, situated at the mouth of the river, is now the centre of a rapidly increasing coal-trade, both foreign and colonial.

Shortly after his arrival in England, Captain Hunter was appointed to the command of the *Venerable*, seventy-four. When cruising with that vessel in Torbay, one of the seamen accidentally falling overboard, Captain Hunter humanely ordered her to be put about to pick him up. In executing this manœuvre, the vessel missed stays, ran ashore, and was wrecked. Captain Hunter was in consequence brought to a court-martial for the loss of the vessel, but was honourably acquitted. In the course of the trial, it is reported that, when asked what had induced him to put the ship about in such circumstances, he replied (for he was a good man rather than a worldly-wise one) that "he considered the life of a British seaman of more value than any ship in His Majesty's navy." He was afterwards promoted to the rank of rear-admiral, and spent the evening of his days in the neighbourhood of Leith in Scotland, where he lived universally esteemed, and died in a good old age.

CHAPTER IV.

STATE OF THE COLONY DURING THE ADMINISTRATION OF
CAPTAIN KING, R. N.

Naturam expellas furcâ, tamen usque redibit.

JUVENAL.

You can't make farmers of pickpockets.

GOVERNOR KING'S *Translation*.

THE third Governor of New South Wales was Philip Gidley King, Esquire, also a Post-captain in the navy. Captain King was the son of a reputable citizen of Launceston in Cornwall. He had evidently received a good education ; but having been sent very early to sea, he had acquired a roughness of manners, and an uncouthness of language, which were not likely to increase the number of his friends, but which were, nevertheless, by no means inconsistent with benevolence of disposition. Having served under Captain Phillip on board the *Ariadne* frigate, and the *Europe*, sixty-four, he was the more readily induced to accompany that officer on his appointment to the government of New South Wales ; and his services in establishing the subordinate settlement of Norfolk Island had been duly noticed and rewarded, by his promotion in the service, in the year 1791. He had afterwards gone to England a second time during the administration of Captain Hunter ; and, on returning to the colony, he had been commissioned to act as Governor, in the event of Governor Hunter leaving the settlement.

Captain King assumed the government of the colony in the month of September, 1800. From the zeal and talent he had exhibited in effecting the settlement of the dependency, or, as it was then called, the colony of

Norfolk Island, it was anticipated that his administration would be distinguished for vigour and general ability : but it by no means follows, that a man, who has acquitted himself to the satisfaction of his constituents in a subordinate capacity, will continue to give equal satisfaction in a higher situation, especially when invested with supreme authority. The possession of arbitrary power not unfrequently develops qualities of mind, which, in other circumstances, had escaped the notice of the keenest observer, and which the salutary consciousness of continued subjection to immediate control would have kept in abeyance. Besides, when a man has gained any considerable eminence on the hill of fortune, he is strongly tempted to suppose that the talent and assiduity which it cost him to reach his actual position, are not necessary to enable him to maintain it ; and he therefore intermits his labours, forgetful that it is much easier to fall in the world than it is to rise. In short, there are few comparatively of the human race — far fewer than one would at first imagine — who, in the language of the poet, are *born to command*.

Governor King was undoubtedly desirous of promoting the welfare of all ranks in the colony ; but he was perhaps seldom judicious enough in selecting and in employing the proper means of attaining his end. Irritable and irascible when thwarted in his measures, as was frequently the case, he seldom evinced the requisite degree of perseverance when unsuccessful ; and he therefore very soon left things to take their natural course, which, in the colony of New South Wales, as may well be supposed, was at this period a miserably bad one. He had evidently formed but a low idea of the capabilities of the colony ; and as he found, perhaps at his first trial, that *he could not make farmers of pickpockets*, to use his own expression, he thought it unnecessary to expend farther labour on the fruitless experiment. The comparative unproductiveness of the soil, in the various

localities in which the first agricultural settlements were effected, was doubtless unfavourable to the general advancement of the colony in regard to agriculture; but whether it arose from ignorance or from indifference, the means of rendering the colony independent of supplies from beyond seas were for a long period sadly neglected; and the consequence was, that periods of scarcity, approaching even to famine, were not unfrequent, while a large expenditure of British money was needlessly incurred in importing provisions from India, Batavia, and the Cape.

Two circumstances, perhaps related to each other in the way of cause and effect, contributed to produce a state of things so discreditable in itself, and so fatal to the welfare and advancement of the colony. On the one hand, the grinding monopoly, established in favour of the officers of the New South Wales Corps, which still subsisted, deprived the small farmer of all hope of bettering his circumstances by honest industry, and induced a spirit of recklessness on the other that led to unbounded dissipation. "Many of the inferior farmers," says Colonel Collins, "were nearly ruined by the high price they were obliged to give for such necessaries as they required, from those who had been long in the habit of monopolising every article brought to the settlers for sale; a habit of which it was found impossible to get the better without the positive and immediate interference of the Government at home." And again, "Their crops were no sooner gathered than they were instantly disposed of for spirits, which they purchased at the rate of three, nay, even four pounds per gallon—a spirit, too, often lowered one-fourth, or more, of its strength with water."—*Passim*.

In short, during Governor King's administration, as I have been told by a respectable colonist who arrived in the colony at this period, and whose son is now a highly intelligent and liberal member of the Legislative Council, the population of New South Wales consisted chiefly of

those who sold rum, and of those who drank it; and as the general maxim of the colony at that period was, *Make money, honestly if you can, but by all means make money*; it may naturally be supposed that the sellers of this article of universal requisition would include persons of all ranks and professions. I have already shown to what extent the sale of this precious commodity was engrossed by the honourable profession of arms. Serjeant A., Corporal B., and even Private C., if a *useful* and deserving character, had each his licensed house to sell rum by retail, and to prevent, if possible, a consummation so devoutly to be deprecated, as the return of any of the emancipated convicts to the paths of virtue; and as Captain D., Lieutenant E., and Ensign F., had each his permit to land thirty or forty gallons of ardent spirits, which were then selling at 2*l.* or 3*l.* a gallon, from every vessel that entered the harbour, *the supply* (to use the language of political economy) *was equal to the demand*.

Whether Governor King attempted openly to abridge the Corps of their ancient privileges, I am not aware; but he certainly got embroiled with that body in the course of his administration, insomuch that he was oftener than once apprehensive of being put under arrest. In fact, the privileges of the Corps were defended with a boldness and finesse that would have out-generalled a man of much superior ability to Governor King. Of this, I have been told an instance somewhat amusing:—His Excellency having found it necessary to prefer charges against a member of the Corps to the Secretary of State, did so accordingly, at considerable length, entrusting his despatches to an officer who was proceeding, I believe expressly for the purpose, to England: but he was imprudent enough to allow the circumstance to get abroad rather too soon, and the genius of Botany Bay was immediately set to work, to counteract his measures. His Excellency's box was accordingly *picked* of its despatches before it left the colony, and, when opened in the Duke

of Portland's office in Downing Street, it exhibited only a number of harmless old newspapers.

It was natural for a man, placed in such circumstances as Governor King, to endeavour to counterbalance the weight of military influence with which he had thus to contend, by throwing something ponderous into the opposite scale. He did so accordingly, by attempting to bring forward the emancipated convicts as a counterpoise to the Corps; and by what means could his Excellency have secured the attachment of this class of persons more effectually, than by granting them licences to sell rum? Such licences were accordingly dispensed with a liberality and profusion above all praise; for even the chief constable of Sydney, whose business it was to repress irregularity, had a licence to promote it, under the Governor's hand, by the sale of rum and other ardent liquors; and although the chief jailor was not exactly permitted to convert the jail into a grog-shop, he had a licensed house, in which he sold rum publicly on his own behalf, right opposite the jail-door.

A general dissolution of morals and a general relaxation of penal discipline were the result of a state of things so outrageously preposterous. Neither marrying nor giving in marriage was thought of in the colony; and as the arm of the civil power was withered under the blasting influence of the miserable system that prevailed, the police of the colony was wretchedly administered, and virtuous industry was neither encouraged nor protected. Bands of bush-rangers or runaway convicts traversed the country in all directions, and, entering the houses of the defenceless settlers in open day, committed fearful atrocities.

Should the reader suppose that, in describing a state of things so discreditable to the British Government of the period, as well as to all parties more immediately concerned, and especially so utterly subversive of the noble and beneficent ends contemplated in the establishment

of the colony, I have been disposed to exaggerate, and, like a special pleader for the prosecution, to make the worst of a bad case, let him turn to the Appendix No. I., where he will find an Extract of the evidence delivered before a Select Committee of the House of Commons on Transportation in the year 1812, by Mr. Maurice Margarot, the only one of the five Scotch political martyrs of 1793 who lived to return from his banishment to his native land. Mr. Margarot was in the colony during the whole of this period, and his evidence is abundantly substantiated by that of men who held at the time a very different position in the country.

I have already made honourable mention of the activity and zeal displayed by Captain King in the formation of the settlement of Norfolk Island. On his arrival in the colony for the third time, as lieutenant-governor of that island, he had also a commission to succeed Captain Hunter as Governor of New South Wales, in the event of the retirement of that officer from the government of the colony; and I have been given to understand, on good authority, that it was by adroitly keeping Captain Hunter in profound ignorance of the intentions of the Ministry, in regard to the future government of the colony, of which he had been personally apprised before leaving England, that the Governor was induced to embark for Europe. Whether Captain King was desirous that Norfolk Island should in no future instance serve as a stepping-stone to the government of New South Wales, as it had done so conveniently in his own particular case, it is difficult at this distance of time to determine: it is at least certain, that, in conjunction with Lieutenant-Colonel Foveaux, he recommended the entire abandonment of that settlement; which was accordingly carried into effect, partly during his own administration, and partly during that of his successor. A more injudicious and impolitic measure could scarcely be conceived; for, whatever objections might have been originally urged against the

formation of a subordinate settlement at Norfolk Island, before the principal settlement of Port Jackson was fairly established, common sense would surely have dictated, that, after a settlement had actually been effected on that island, at a vast expense to the Government, and especially after that settlement had been maintained in comparative prosperity for fifteen or eighteen years, it should not be abandoned on slight grounds. The climate of Norfolk Island is salubrious in the highest degree, and the soil, which is capable of producing all sorts of semi-tropical fruits, of extraordinary fertility. At the period of its abandonment many hundred acres of land had been cleared and brought into cultivation; and many buildings, belonging both to Government and private individuals, had been erected. The quantity of stock on the island, consisting chiefly of cattle, pigs, poultry, and goats, was also very considerable; and it contained a population of not fewer than a thousand souls, of whom a considerable number had been born on the island. The prodigious sacrifice and expenditure implied in the entire abandonment of a remote settlement in such a state of advancement may be more easily conceived than described.

“The ground,” observes Mr. Windham, who was then Secretary of State for the Colonies, in a despatch to Governor Bligh, of date, “Downing Street, 30th December, 1806,” containing directions for the immediate evacuation of Norfolk Island, — “The ground on which this measure was determined on, appears to have been the very great expense at which the settlement was maintained, and the very great difficulty with which a communication between it and Port Jackson was preserved; a difficulty arising from the danger of approaching an island without a port secure from tempests, or even a road in which ships could safely anchor. On these and other grounds, it seems that an order was conveyed by Lord Buckinghamshire, when Secretary of State, dated

June, 1803, for removing a part of the settlement of Norfolk Island to Port Dalrymple, or to some other situation on Van Dieman's Land."

In obedience to these instructions of Lord Buckinghamshire, a considerable number of the convicts had been removed from Norfolk Island to Port Dalrymple in the year 1804 or 1805; but, as an evidence of the dispositions of the free inhabitants in regard to that measure, it is sufficient to observe, that only four of them had embraced the offers of Government, and withdrawn from the island. H. M. ship *Buffalo* had afterwards been despatched by Governor King to carry off as many of the free inhabitants as could be induced to leave the island in the latter part of the year 1805; but its entire evacuation was at length effected during the government of Captain Bligh, in the year 1807, agreeably to the express orders of Mr. Secretary Windham.

In regard to these orders, which were issued in consequence of representations from New South Wales, there was no necessity whatever for maintaining a separate penal establishment on Norfolk Island. Had the convicts been entirely withdrawn, the free inhabitants would have formed a numerous and prosperous community long ago; and would either have constructed a harbour, which, it is reported by intelligent persons, is by no means impracticable, or continued to maintain a communication with Port Jackson, as had been done before, and is now done by the Colonial Governments without one.

A considerable number of the free settlers at Norfolk Island had originally been marines and seafaring men; and when Colonel Collins, of the Royal Marines, under whom most of them had served in the colony, was appointed Lieutenant-Governor of the new colony of Van Dieman's Land, they were the more easily induced to embark for that settlement. Colonel Collins had arrived from England in the year 1803, to form a subordinate settlement either at Port Phillip, on the southern

coast of New Holland, or in Van Dieman's Land. He accordingly established himself in the first instance at Port Phillip; but finding the land in the immediate vicinity of an unpromising character, he afterwards abandoned that locality altogether, and proceeded to form another settlement in Van Dieman's Land. Port Phillip is an extensive inlet, running up for thirty-five miles into the main-land of New Holland. Colonel Collins had formed his settlement on the eastern shore of that inlet, where the land is undoubtedly of an inferior description; but it has long since been ascertained that the whole of its western shore consists of land of first-rate quality, whether for grazing or for agriculture; and it is singular enough, that an extensive emigration should eventually have taken place to this part of the Australian territory, from the very settlements which were formed by Colonel Collins on its abandonment. During the years 1835 and 1836, more than two hundred persons crossed over to Port Phillip from Van Dieman's Land, in the character of Squatters, carrying along with them upwards of 30,000 sheep, besides horses and cattle, to form a permanent settlement in that highly eligible locality; and the noble colony of Victoria, or Port Phillip, is already the magnificent result of their enterprise.

During the government of Captain King—in the year 1804—several hundred convicts attached to the Government agricultural establishment at Castlehill, about twenty miles to the westward of Sydney, were induced, at the instigation of certain of their number who had been concerned in the Irish rebellion, *to strike for their liberty*. The conspiracy, of which the ramifications appear to have been pretty extensive for the period, had been conducted with great secrecy, and its explosion was sudden and unexpected. The conspirators had collected one hundred and thirty-six stand of arms, besides pistols, pikes, reaping hooks fixed to poles, and various other weapons of a

similar kind. They advanced upon Parramatta in two bodies; the one of about one hundred and sixty, and the other of about two hundred men. On the first intimation of the rising, Major Johnston, who was then at Head Quarters, marched against them with only forty soldiers of the New South Wales Corps. On his approach, the insurgents fell back from Parramatta, intending apparently to make a stand, as they actually did, at Vinegar Hill, a few miles beyond that locality. Major Johnston followed them thither, with not more than twenty-four men, having deemed it necessary to detach a party to Castlehill, to prevent the destruction of a large quantity of grain, which was there in stacks, of which he was apprehensive. At Vinegar Hill the insurgents gave battle, which lasted only fifteen minutes, and had the usual issue of a rencontre between regular troops and a banditti. Sixteen of the latter were killed, twelve wounded, and thirty — including some of the ringleaders, of whom five were afterwards executed — were made prisoners. The rest surrendered at discretion, and the insurrection was consequently suppressed. There seems to have been a similar conspiracy on foot among the convicts, headed by a few Irish croppies, about two years thereafter, which was to have broken out immediately after the arrival of Governor Bligh; but two of the conspirators, both Irishmen, betrayed the secret to the Local Government, and the intended insurrection and massacre was prevented. Since that period, there was nothing of the kind ever heard of in the colony during the continuance of transportation to New South Wales.

It was also during the administration of Governor King, that about a dozen families of free emigrant settlers, chiefly from the Scottish border, arrived in the colony; having been induced to emigrate to New South Wales, on receiving a free passage from Government, with the promise of a grant of one hundred acres of land each on their arrival in the colony, and rations for a

certain period afterwards from the King's stores. They arrived in the year 1802. Governor King mustered them on the quarter-deck of their vessel, shortly after their arrival, to ascertain their respective views, resources, and abilities. Observing an old gray-haired man in their number, who acknowledged he had been thirty years in business in London, the Governor exclaimed in astonishment, "One foot in the grave, and the other out of it, what brought you here, old man?" It is somewhat remarkable that Captain King himself should have been the first of the two to have both feet in the grave. For many years after the death of the moralizing Governor, the old gray-haired man was still alive in the colony, and able to perform frequent journeys on horseback from his farm to Sydney, a distance of fifty miles.

The free emigrants I have just mentioned were Presbyterians, and settled on small patches of alluvial land near Portland Head, on the banks of the Hawkesbury. Their settlement was, in these early times, the most exemplary and successful in the colony; and some of them, or rather their sons, are now among the wealthiest proprietors in the country. The reader may form some idea of the fertility of the district, from the fact that, since its first settlement in the year 1802, much of the land in cultivation has borne a crop of wheat every year without intermission, and in many years even a second crop of maize, or Indian corn.

The settlement of Portland Head also deserves peculiar credit, for having been the first in the colony, to make a voluntary and self-originated effort to provide for itself the regular dispensation of the ordinances of religion. So early as the year 1809, the settlers in that district had erected a church—the first that was ever erected in Australia by voluntary subscription—at a cost of upwards of 400*l.*, in the hope of obtaining a minister of their own communion from the mother country; and from the very commencement of their settlement they assembled regu-

larly every Sabbath for the public worship of God; one of their number, Mr. James Mein, a venerable old man, reading a sermon and presiding in the exercises of praise and extempore prayer, agreeably to the practice of the Presbyterian Church. In a Report of a Committee of the House of Commons on the state of the colony, which was printed by order of the House in the year 1812, the circumstance is mentioned to the honour of that individual and of the settlement to which he belonged; Governor Bligh having stated in his evidence before the Committee, that "it was the only case of the kind he had heard of during his government of the colony." I had the singular gratification to dispense the sacrament of the Holy Communion to this little community in the year 1824, according to the hallowed customs of the Presbyterian Church. It was the first time it had ever been dispensed on the Australian Continent *in such sort as it is written* in the standards of the Presbyterian communion. There were twenty communicants; and the very peculiar circumstances in which the ordinance was solemnized in the little church—situated on a rising ground on the edge of the forest, and overlooking a beautiful and romantic reach of the noble river—rendered the whole scene the most interesting and affecting I had ever witnessed.

From the progressive settlement of families and individuals of this industrious class in various parts of the colony, the agricultural resources of the country began to be developed, and additional quantities of land were progressively brought into cultivation. Large importations of stock of all kinds had been made from time to time at the public expense, both from India and from the Cape of Good Hope. Cedar, a valuable description of colonial wood, both for joinery and for cabinet work, had been discovered on the alluvial banks of the Hawkesbury; and the Mimosa bark of the colony had been found superior for tanning purposes to that of the English oak.

Mr. James Squires, a settler and brewer on the Parramatta River, had introduced the cultivation of the hop plant, and demonstrated its peculiar adaptation to the soil and climate of the colony; for which valuable public service the Governor had very judiciously directed a cow to be given him from the Government herd. And, as an instance of colonial enterprise in another department of industry, to which there is perhaps no parallel in the annals of commerce, the Anna Josepha, Captain Grant, had, in the year 1801*, carried, by way of Cape Horn, a cargo of colonial coals, and spars for ships' masts, to the Cape of Good Hope, where the coals were sold at 6*l.* per ton.

From the Official Returns in the month of July, 1803, the following statistical notices are extracted.

	Acres.
Quantity of land occupied by Government	} 125,476
or granted to private individuals -	
cleared - - - -	16,624
in wheat - - - -	7,118
in barley, maize, &c. - -	5,279

Average produce of wheat land, eighteen bushels per acre.

	Stock.
Number of horned cattle - -	2,447
Sheep - - - -	11,232
Hogs - - - -	7,890
Horses - - - -	352

Population in New South Wales - -	7,134
Norfolk Island - -	1,200

Total 8,334

* This, I believe, was Lieutenant Grant, R.N., whom I shall have occasion to mention, in the sequel, in connexion with discoveries on the South coast. He took this odd way of getting to England.

It was at this period in the history and progress of the colony that a French expedition of discovery, consisting of the corvettes *Géographe* and *Naturaliste*, and the Schooner *Casuarina*, under the command of M. Baudin, cast anchor in Port Jackson: and it will doubtless be interesting to the intelligent and philanthropic reader to ascertain the impression which a general, although necessarily superficial, view of the condition and prospects of the colony, at this early period, had made upon the mind of an enlightened and liberal foreigner. After describing the appearance of the town of Sydney and the harbour of Port Jackson, in the year 1802, M. Peron, the naturalist and historian of the expedition, observes: —

“*Tout cet ensemble de grandes opérations, tous ces mouvemens des navires, imprimoient à ces rivages un caractère d'importance et d'activité que nous ne nous attendions point à rencontrer sur des bords n'aguère inconnus à l'Europe, et notre intérêt redoubloit avec notre admiration.*

“*La population de la colonie étoit pour nous un nouveau sujet d'étonnement et de méditations. Jamais peut-être un plus digne objet d'étude ne fut offert à l'homme d'état et au philosophe; jamais peut-être l'heureuse influence des institutions sociales ne fut prouvé d'une manière plus éclatante et plus honorable qu'aux rives lointaines dont nous parlons. Là, se trouvent réunis ces brigands redoutables qui furent si long-temps la terreur du Gouvernement de leur patrie: repoussés du sein de la société Européenne, relégués aux extrémités du globe, placés dès le premier instant de leur exil entre la certitude du châtiment et l'espoir d'un sort plus heureux, environnés sans cesse par une surveillance inflexible autant qu'active, ils ont été contraints à déposer leurs mœurs antisociales. La plupart d'entre eux, après avoir expié leurs crimes par un dur esclavage, sont rentrés dans les rangs des citoyens. Obligés de s'intéresser eux-mêmes au maintien de l'ordre et de la justice, pour la conservation des propriétés qu'ils*

ont acquises, devenus presque en même temps époux et pères, ils tiennent à leur état présent par les liens les plus puissans et les plus chers.

“La même révolution, déterminée par les mêmes moyens, s’est opérée dans les femmes, et de misérables prostituées, insensiblement rendues à des principes de conduite plus réguliers, forment aujourd’hui des mères de famille intelligentes et laborieuses.”*

During the government of Captain King, Lieutenant (afterwards Captain) Grant, R.N. then commanding the Government brig, Lady Nelson, discovered, on his voyage out to the colony, Cape Otway and King’s Island, at the western entrance of Bass’s Straits, together with the intervening coast as far as Cape Schank, which separates Port Phillip from Western Port. Shortly after Captain Grant’s arrival in Sydney, in the year 1801, Governor King, with that enlightened zeal for the prosecution of maritime discovery which so peculiarly distinguished the earlier Governors of the colony, directed Lieutenant John Murray, R.N. to follow up the discoveries of Captain Grant, whom Mr. Murray had in the meantime succeeded in the command of the Lady Nelson, by a more minute examination of the coast between Capes Otway and Schank; and in the course of his expedition, Mr. Murray was fortunate enough to discover the noble inlet of Port Phillip, — which received its name from the Governor in honour of his former chief, on or about the 15th of February, 1802. Strangely enough, Port Phillip was afterwards discovered, on the 30th of March, of the same year, by Captain Baudin, of the French expedition; and again, on the 27th of April, following, — all independently of each other — by Captain Flinders; but the honour of the discovery is unquestionably due to Lieutenant Murray, who had preceded Captain Baudin six weeks, and Captain

* *Voyage de Découvertes aux Terres Australes, exécuté par l’ordre de Sa Majesté l’Empereur et Roi*, tom. i. 376.

Flinders ten.* The people of Melbourne, the capital of the now flourishing province of Port Phillip or Victoria, have commemorated the visit of Captain Flinders by naming one of the principal streets of their city after him; but why have they forgotten my countryman, Lieutenant Murray, the discoverer of their port? Who, but a Scotchman from Edinburgh, would have thought of naming one of the mountains that bound that noble inlet, Arthur's Seat?

From his early initiation into the mysteries of a seafaring life, Governor King was rather fond of those practical jokes which constitute the peculiar delight of the younger inmates of the gun-room, and he sometimes indulged his disposition in a way scarcely compatible with the dignity of his office as the Representative of Majesty. He was standing on one occasion under the verandah of Government House, when a person, who had once been a marine, approached him as a petitioner for a grant of land. "You have been a marine?" said the Governor, recognising the man. "Yes, please your Excellency," replied the petitioner. "Can you go through the manual exercise yet?" rejoined his Excellency: the petitioner bowed in the affirmative. "Stand at ease, then," said the Governor:

* "Le 30 Mars (1802), à la pointe du jour, nous portâmes sur la terre, que nous atteignîmes bientôt. Un grand cap, qui fut appelé *Richelieu* (Cape Otway), se projette en avant, et forme l'entrée d'une baie profonde, que nous nommâmes *Baie Talleyrand*. Sur la côte orientale de cette baie, et presque vers son fond, se trouve un port, dont on distinguoit assez bien les contours du haut des mâts : nous le désignâmes sous le nom de *Port du Débuc* ; mais ayant appris dans la suite qu'il avoit été reconnu plus en détail par le brick Anglois, *The Lady Nelson*, et qu'il avoit été nommé Port Philipp, nous lui conserverons avec d'autant plus de plaisir ce dernier nom, qu'il rappelle celui du fondateur d'une colonie dans laquelle nous avons trouvé des secours si généreux et si puissans."—*Voyage de Découvertes aux Terres Australes, exécuté par l'ordre de Sa Majesté l'Empereur et Roi, sur les Corvettes le Geographe, le Naturaliste, et la Goelette le Casuarina, pendant les Années 1800—1804 ; rédigé par M. F. Peron, Naturaliste de l'Expédition.* Paris, 1807, tom. i. 317.

the marine did so. "Shoulder arms:" the marine obeyed. "Right about face:" the marine stood with his face looking down the avenue towards the town. "March," said his Excellency: the marine accordingly marched down the avenue; and the Governor, delighted at the success of the joke, walked into Government House without either countermanding the order he had just given, or waiting for the marine's return. I believe, however, he gave the man his grant of land shortly thereafter; and it was not likely to be any smaller on account of the little piece of innocent pleasantry which he had thus played off at his expense.

Among the more remarkable events that occurred during the government of Captain King were the establishment of a weekly newspaper, entitled *The Sydney Gazette, or New South Wales Advertiser*, in the year 1803; the formation of a subsidiary penal settlement at Newcastle, at the mouth of Hunter's River, to the northward of Port Jackson, in the year 1804; the colonization of Van Dieman's Land, by the formation of settlements at Hobart Town, on the Derwent River, on the south, and at Launceston, on the Tamar River, on the north coast of the island, during the same year; and the occurrence of a calamitous flood in the Hawkesbury River in the month of March, 1806.

During the administration of Governor King and his predecessor, a considerable number of free emigrant and emancipated convict settlers had been located, chiefly with a view to the cultivation of the soil, on the rich alluvial banks of the Nepean and Hawkesbury rivers. The latter of these rivers is merely a continuation of the former, after its junction with a considerable stream called the Grose, which issues from a remarkable cleft in the Blue Mountains, in the vicinity of Richmond, a village beautifully situated at the foot of the mountains, about forty miles from Sydney. The alluvial lands of New South Wales, or what the people of New England

would call *Interval lands* (I presume because they constitute the interval between the rivers and the open forest-country), are in general heavily timbered, and, of course, difficult to clear. In such situations the progress of cultivation is necessarily slow, as the felling-axe and the operation of *burning off* must precede the plough or the hoe; but as the cost of this comparatively tedious process is uniformly much more than repaid in the wonderful fertility of the soil, land of this description is usually preferred, for the purposes of agriculture, to the more open forest-land. A considerable extent of land of this kind had been brought into cultivation along the banks of the Hawkesbury, which was thus the principal agricultural settlement of the territory, towards the close of Governor King's administration; but this important section of the colony was most unfortunately visited, at the time I have mentioned, with a fearful inundation, for which the settlers of that period were not prepared, as they generally are now, and which swept off the produce of the soil of every description, and left the settlers, in many instances, to poverty and starvation.

The inundations of the Hawkesbury, unlike those of the Nile and many rivers of America, are not periodical. A period of eleven years has elapsed in one instance without a single inundation; but two inundations have in another instance occurred in the same year—one in the month of March, and the other in August—although not a drop of rain had fallen for some time previous in the district in which the inundation was most severely felt. These inundations are produced by the fall of rain on the Blue Mountains—a lofty range which runs parallel to the coast, and along the base of which the Hawkesbury flows in a northerly direction, receiving its drainage by numerous mountain-torrents: and so vast is the accumulation of water on these occasions, and so narrow the gorges through which it has to force its way in its circuitous course to the ocean, that the river has been

known to rise, in the neighbourhood of the town of Windsor, upwards of eighty feet above its ordinary level.

There had been a flood in the Hawkesbury and Nepean Rivers in the year 1801 ; but as the number of settlers on the alluvial land on their banks was then comparatively small, it had done but little damage, and had affected the colony generally but very slightly. But as the number of settlers in that fertile district had greatly increased during the five following years, and as a large majority of these settlers had, notwithstanding the warning already given them, continued to erect their houses and to form their farm-yards within reach of the inundations of the river, which, in 1806, rose from eight to ten feet higher than in the former flood, the alarm and the loss sustained were proportionally great. In places where there was high ground easily accessible, in the rear of the settlers' houses, they had to retreat as the waters rose ; and one of the Scotch settlers at Portland Head informed me many years ago, that, during the night of Saturday, the 22nd of March, 1806, the waters rose so rapidly that he had to remove his family three times successively to higher and still higher ground, before morning, although his wife had been confined only the preceding day. In many places, however, the high grounds were inaccessible, from the intervening waters ; and in these cases, the settlers and their families were to be seen clinging for hours together to the roofs or ridges of their houses, in the expectation of being at length swept away by the impetuous current, till they were rescued from their perilous situation by means of boats, which a few benevolent persons plied for the purpose, often at the risk of their own lives. The loss of life was indeed considerable, although by no means so great as might have been expected ; but the loss of property, and especially of grain and stock, was extensive, and exceedingly calamitous. Two hundred stacks of wheat were in one day swept into the river, and carried out to the sea. Many of these

were covered with pigs, dogs, and poultry, that had taken refuge upon them from the rising of the waters; and as they occasionally approached the banks, as they were swept along by the rapid current, the poultry generally took flight and reached the land. The settler whom I have already mentioned, and whose farm was situated on a beautiful bend of the river, with high ground in the rear, has told me that he saw not fewer than thirty stacks all floating down the river at one time. Several remarkable escapes are related, as having taken place during the flood. For example, a settler of the name of Leeson, who, with his mother, wife, and two children, together with two convict servants, had taken refuge on the top of a barley-mow in his farm-yard, was swept away with all his household on the mow, and carried to a distance of nearly seven miles, where they were all taken off during the following night by another settler in a boat, although with the greatest difficulty. Walter Scott, a shoemaker, and two women, the wives of small settlers in the neighbourhood, had all taken refuge on the farm of another settler of the name of Chalker. But Chalker's house being unfortunately within reach of the inundation, he had at length to take to his boat, together with the three persons I have mentioned, and a child of his own of five years of age. By some fatal accident, however, the boat upset and these three persons were all drowned; but Chalker, who could swim, seizing his child, and desiring him to throw his arms round his neck, struck out for the nearest dry ground, which was nearly a mile distant. Instead of giving way to fear, as would have been natural in such circumstances, the child endeavoured to embarrass his parent as little as possible, and even cheered him occasionally by telling him they were nearly out of danger, till they both reached the land. The boy Chalker, who appears to have been what his early associates would have called *game* from the first, lived to be a noted Australian pugilist, and was long the champion

of the colony. Latterly however he has kept an inn in the south-western interior, where the charms of his daughter, who is likely to become a personage of historical interest, have been recognised by the highest authority, and may possibly be referred to, like those of Helen, by the future historian, as one of the many collateral causes of the dismemberment of an empire. The flood of 1806 was upwards of seventy feet above the usual level of the Hawkesbury; much valuable property was destroyed; general distress, especially in that district, was the consequence, and the energies of the colony were, for a time, almost paralysed.

On his arrival in England, with the charts of the important discoveries he had effected to the southward, in company with Mr. Bass, in 1797 and 1798, as well as subsequently by himself to the northward in 1799, Mr. Flinders was promoted to the rank of Lieutenant, and shortly afterwards to that of Commander. He was then commissioned to survey the still unexplored portions of the coasts of New Holland, in the sloop of war Investigator, which had been fitted out expressly for the purpose. Captain Flinders had a passport from the French Government of the period, ensuring him free ingress and egress into and from such ports of the French Republic, as he might find it necessary to touch at during his voyage, as the two nations were then at war; and he reached Cape Leeuwin, on his outward voyage, in December, 1801. In running along the South coast to the eastward of the discoveries of Nuyts, Captain Flinders discovered Spencer's and St. Vincent's Gulfs, Port Lincoln, Kangaroo Island, and Cape Jervis, all now within the limits of the colony of South Australia. In longitude $138^{\circ} 58'$ east, Captain Flinders met Captain Baudin, of the French expedition, proceeding westward. Consequently the only portion of the South coast discovered by the French navigator consists of about fifty leagues in extent, in the territory of South Australia, between the meridian

just mentioned and that of $140^{\circ} 10'$ east, the western limit of the discoveries of Captain Grant. There are no inlets, however—no rivers—no shelter of any kind on this portion of the coast line.

I was particularly struck with the admirable tact of Captain Flinders as a nautical surveyor, in one of my voyages out to the colony—in the year 1837—in the course of which I happened to touch at the noble harbour of King George's Sound, near Cape Leeuwin. The western headland at the entrance of that harbour is a mass of granite terminating in a bare rock bearing some resemblance in its outline to a human skull, and Captain Flinders has called it *Bald Head*. It is impossible to mistake the place with such a designation: and surely it were much better, wherever it is practicable, to affix such names to places, than to plaster them over, as is the usual custom, with the names of those obscure men about the Colonial Office, or in some Colonial Executive, who, if an Act of Parliament could be passed to condemn anything to perpetual oblivion, ought by all means to have the benefit of the Act. The proper names of the Aborigines of New South Wales, as well as those of the ancient Celtic inhabitants of the Lowlands of Scotland, are all highly descriptive, as the names of all remarkable objects in nature ought certainly to be.

In the month of July, 1802, Captain Flinders commenced his survey of the north-east coasts of Australia; examining and surveying Hervey's Bay, Bustard Bay, Port Curtis, Keppel Bay, Port Bowen, and Broad Sound; and afterwards the eastern, southern, and western coasts of the Gulf of Carpentaria. In this part of his voyage it was accidentally discovered, to the inexpressible surprise and sorrow of Captain Flinders, that the vessel with which he had been furnished by the Admiralty for the prosecution of his voyage of discovery, was utterly unseaworthy, and could scarcely be kept afloat, without the utmost hazard, for six months longer. In short,

everything in England that was worth anything at the time was required for the purposes of war, and the only vessel that could be allotted for the purposes of an expedition of transcendent importance to the nation in all time coming, was a worthless hoy !

Captain Flinders returned to Sydney, with great difficulty and danger, from the state of his ship and the sickness of his crew. Shortly thereafter he embarked on board the *Porpoise*, man-of-war, for England, accompanied by the *Cato* and *Bridgewater* merchant ships, both bound for India and China. The *Porpoise* and *Cato*, however, were both wrecked on a reef in the Western Pacific, since called *Cato's Bank* ; and Captain Flinders volunteered to proceed to Sydney in a small cutter constructed on the reef, for vessels to carry off the unfortunate crews. In this object he succeeded ; and in a period of time remarkably short, he returned with supplies and means of conveyance for his shipwrecked companions, some of whom proceeded to England by way of China, while others preferred returning to the colony. As for Captain Flinders himself, anxious to proceed direct to England, he accepted from the Governor the offer of the only vessel in his Excellency's power to give him, the small colonial built cutter *Cumberland*, of 29 tons, in which he proceeded by way of Torres Straits and the Indian Ocean towards England, touching at Timor for refreshments. The *Cumberland*, however, proved as unseaworthy as the *Investigator* ; and Captain Flinders, trusting to his passport, touched at the Mauritius, which was then a French colony, for repairs and supplies. The Governor and Captain-General of that colony at the time was M. De Caen, a General in the French army, and afterwards, when relieved of his charge on the taking of the island by the British, Governor of the province of Catalonia in Spain ; and this Goth, in defiance of the claims of humanity, the interests of science, and the positive pledge of his own Government, seized the unfortunate navigator,

with all his papers, and kept him a prisoner in the Isle of France for six years and a half! Nay, to quote the words of Captain Flinders himself, in explanation of this inhuman conduct of M. De Caen:—"From a *Moniteur* of July, 1808, it appeared that French names were given to all my discoveries, and those of Captain Grant on the south coast of Terra Australis; it was kept out of sight that I had ever been upon the coast, and, in speaking of M. Peron's first volume, the newspapers asserted that no voyage *ever* made by the English nation could be compared with that of the *Géographe* and *Naturaliste*."—*Captain Flinders' Voyages*, ii. 470.

It is peculiarly gratifying to be able to contrast with this unworthy conduct of a French Governor towards an unfortunate English navigator, the very different treatment which the French Expedition of Discovery had experienced, so very shortly before, in the British colony of New South Wales. Captains Baudin and Hamelin cast anchor in Port Jackson on the 25th of April, 1802:—

"La guerre, à cette époque, subsistoit encore entre la France et l'Angleterre; la fameuse confédération du Nord, *en mettant la Grande Bretagne à deux doigts de sa perte*, avoit exalté le sentiment des haines nationales, et le capitaine HAMELIN avoit lieu de craindre qu'on ne lui interdit le séjour du port, ou que du moins on ne lui refusât les secours qu'il venoit y chercher. Ses inquietudes ne furent pas longues; les Anglois l'accueillirent, dès le premier instant, avec cette générosité grande et loyale que le perfectionnement de la civilisation Européenne peut seul expliquer, et que lui seul a pu produire. Les maisons les plus distinguées de la colonie furent ouvertes à nos compagnons; et pendant toute la durée de leur séjour, ils y trouvoient cette hospitalité delicate et affectueuse qui honore également celui qui la pratique et celui qui en est l'objet. Toutes les ressources du pays furent mises à la disposition du capitaine François."—*Peron, Voyage de Découvertes aux Terres Australes*, i. 365.

Governor King was succeeded in the government of New South Wales by Captain Bligh, of the Royal Navy, on the 13th of August, 1806. His administration, it must be acknowledged, was, on the whole, unfortunate for the colony; but the circumstances in which he was placed were exceedingly peculiar, and the difficulties of his situation exceedingly great. The period of his administration, I have been given to understand, was shortened through the underhand representations of those who had been a thorn in his side all along: and in order, I presume, to neutralize the evidence he might otherwise have given at Downing Street, in regard to the circumstances of the colony, a certificate of character was sent home along with him, of such a kind as to induce the Ministry to treat him with neglect—a circumstance which, I am credibly informed, embittered the remainder of his days.

CHAPTER V.

STATE OF THE COLONY DURING THE ADMINISTRATION OF GOVERNOR BLIGH, WITH AN ACCOUNT OF THE ORIGIN AND RESULT OF THE COLONIAL REBELLION IN 1808.

“ Here—a sheer hulk —lies poor Tom Bowling !”

THE fourth Governor of New South Wales was William Bligh, Esq., a post-captain in the Royal Navy. This officer had previously been sent out by the Lords of the Admiralty in command of H.M.S. *Bounty*, for the purpose of collecting plants of the bread-fruit tree in the South Sea Islands, in order to their being conveyed to the West Indies; as it was supposed that that singular tree would, if cultivated in the West India islands, afford a valuable and economical article of food for the slave-population: but the crew of the *Bounty*, having mutinied in the course of their voyage, turned Captain Bligh and his officers adrift in the long-boat, and carried the vessel to one of the numerous islands with which the vast Pacific Ocean is studded, doubtless to lead a life of unrestrained and licentious indulgence among their half-civilized inhabitants. The misfortune which Captain Bligh had thus experienced in the service, and the superior seamanship and general ability he had displayed, in conducting his boat's crew along the northern coast of New Holland to the island of Timor, in the Indian Archipelago, together with his other services as a Captain in the Navy, having strongly recommended him to the Government of the period, he was appointed to succeed Captain King in the government of New South Wales.*

* A second object of the expedition of the *Bounty* had been to explore Torres Straits, or the passage between New Holland and

The character of Governor Bligh has at different periods, and according as different parties have successively obtained the management of the colonial press, been pursued with the most unqualified vituperation, and loaded with the most unqualified praise. As is usual in such cases, the truth lies between. That he had faults, I will not attempt to deny; but that he had also redeeming qualities, which in great measure neutralized these faults, and proved him to be a much better man than the greater number of his enemies, will, I conceive, appear equally evident from the following sketch.

I have not been able to ascertain the tenor of Governor Bligh's instructions relative to the New South Wales Corps; but the first object which he undertook with might and main on his arrival in the colony, was the abolition of the military monopoly, and especially in the article of ardent spirits. This monopoly (for such it was in reality) was every where spoken against by those who wished well to the colony. Its evil effects were every where apparent. With a view to its discontinuance, Governor Hunter had recommended to the Imperial Government to recall the corps forthwith to England; and fortunate indeed would it have been for the colony, had that recommendation been attended to. But as there is reason to believe that Captain Hunter was himself removed from the government of New South Wales by that very influence against which he had borne testimony, it was not likely that the gangrene which he had failed to eradicate from its body politic so soon after its first appearance, would readily yield to the lancet of a succeeding Governor, after it had

New Guinea. On the unfortunate termination of that expedition, Captain Bligh was authorised to fit out two vessels in whatever way he might think proper, to proceed a second time to the South Seas for the accomplishment of the same important objects. On that second expedition he was entirely successful; while H.M.S. Pandora, which had been despatched in the meantime in search of the mutineers of the Bounty, was lost in Torres Straits.

pushed its roots into the vitals of the system, and become a wide-spreading and putrefying sore.

From the unrestrained importation of ardent spirits, which had uniformly prevailed in the colony from its first settlement, a practice of a most pernicious and demoralizing tendency, especially in a convict colony, had grown into general use; I mean the employment of ardent spirits as a sort of colonial currency, or universal medium of exchange. The subjoined reply, in the evidence of John Macarthur, Esq., to the following question, which he was asked on the trial of Colonel Johnston in the year 1811, exhibits the extent to which this ruinous practice had been carried in New South Wales:—

“Has not the barter of spirits been always practised by every person in the colony, as a matter of necessity, from the want of currency?”

“I know of no exception; as far as my observation went, it was universal: officers civil and military, clergy, every description of inhabitants, were under the necessity of paying for the necessaries of life, for every article of consumption, in that sort of commodity which the people who had to sell were inclined to take: in many cases you could not get labour performed without it.”

To the same purpose Captain Kemp, of the New South Wales Corps, when asked a similar question on the same occasion, makes a similar reply:—

“Was the barter of spirits prohibited by Governor Macquarie; or were the officers of the seventy-third regiment allowed to barter spirits?”

“The Governor, clergy, officers civil and military, all ranks and descriptions of people, bartered spirits when I left Sydney,—viz. in May, 1810.”

The breaking up of this monstrous system had been particularly enjoined on Governor Bligh, as appears from the following extract from his instructions, under the sign manual, dated at St. James's, May 25th, 1805:—

“And whereas it hath been represented to us, that great

evils have arisen from the unrestrained importation of spirits into our said settlement, from vessels touching there, whereby both the settlers and convicts have been induced to barter and exchange their live stock and other necessary articles for the said spirits, to their particular loss and detriment, as well as to that of our said settlement at large; we do therefore strictly enjoin you, on pain of our utmost displeasure, to order and direct, that no spirits shall be landed from any vessel coming to our said settlement, without your consent, or that of our Governor-in-chief for the time being, previously obtained for that purpose; which orders and directions you are to signify to all captains or masters of ships immediately on their arrival at our said settlement; and you are at the same time to take the most effectual measures that the said orders and directions shall be strictly obeyed and complied with."

The vigorous measures adopted by Governor Bligh, in accordance with these instructions*, obtained the express

* The following is a copy of the *General Order* issued by his Excellency Governor Bligh on this subject, of date 14th February, 1807. Its provisions are sufficiently stringent.

"His Excellency the Governor laments to find, by his late visit through the colony, that the most calamitous evils have been produced by persons bartering or paying spirits for grain of all kinds, and the necessaries of life in general, and to labourers for their hire; such proceedings depressing the industrious, and depriving the settlers of their comforts.—In order, therefore, to remedy these grievous complaints, and to relieve the inhabitants who have suffered by this traffic, he feels it his duty to put a total stop to this barter in future, and to prohibit the exchange of spirits or other liquors as payment for grain, animal food, labour, wearing apparel, or any other commodity whatever, to all descriptions of persons in the colony and its dependencies. If a prisoner is convicted before a bench of magistrates of any of the offences above stated, he shall receive a punishment of one hundred lashes, and be sentenced to hard labour for twelve months:—If a settler, free by servitude, pardon, or emancipation, he is to be deprived of all indulgences from the Crown, sentenced to three months' imprisonment, and to pay a fine of 20*l.* to the King:—If a settler who came free into

approbation of His Majesty's Government, as is evident from the following extract of a letter to his Excellency from the Right Honourable Lord Castlereagh, of date December 31. 1807.:—

“I am to express His Majesty's approbation of the determination you have adopted to put an end to the barter of spirits, which appears to have been abused, to the great injury and morals of the colony; and I am to recommend, that whatever regulations you may find it most eligible to establish for the sale of spirits, yet that you will never admit a free importation, but preserve the trade under your entire control; and that you will not fail rigorously to levy the penalties you shall establish for preventing illegal import.”

It was scarcely to be expected, however, that measures of this kind could be carried into effect without giving prodigious offence; especially to those persons whose rank or office had enabled them to derive peculiar advantages from the unrestrained importation of spirits, under a different system of management, and to turn the barter of that commodity, of universal requisition, into a source of great personal profit. The manifestations of this feeling were but too evident in the sequel.

the colony, or any other free inhabitants, masters or any other descriptions of persons on board of ships or vessels, they are to lose all indulgences granted them by the Crown, and pay a fine of 50*l.* to the King; all which fines, on conviction, shall be levied by the provost-marshal, one moiety to be given to the informer, and the other to be at the disposal of the Government. His Excellency has the strongest confidence, from the known distress of the colony in consequence of this pernicious barter, that all officers, civil and military, will be aiding and assisting in carrying this order into full execution, which ultimately must tend to relieve the distresses of the people, and to give credit and stability to the settlement at large.

“By command of His Excellency,

“E. GRIFFIN, Sec.”

“Government House, Sydney,

“February 14th, 1807.”

It will be recollected that the great *March flood* of 1806 had occurred only four months before the arrival of Governor Bligh. The occurrence of an inundation of this kind, at a time when very little grain was cultivated in any other part of the colony, was peculiarly calamitous, and its consequences were therefore the more generally felt. Maize meal and flour of the coarsest quality were sold in Sydney at two shillings and sixpence a pound, the two pound loaf being four shillings and sixpence, and even five shillings; and whole families on the Hawkesbury had no bread in their houses for months together. In these circumstances, Governor Bligh did every thing that a governor could do to alleviate the distress of the colony. He made a personal tour in the district, and inquired into the circumstances of the settlers individually. He caused a number of the Government cattle, which had then increased to a large herd, to be slaughtered and divided among them; and, in order to encourage them to cultivate as large an extent of ground as possible for the future, he engaged to purchase for the King's stores all the wheat they could dispose of after the next harvest at ten shillings a bushel. The consequences of this judicious and beneficent measure were speedily apparent. The dispirited settlers were stimulated to increased exertions; a large extent of cleared ground, which had been enriched by successive floods, was laid under cultivation; and Divine Providence blessing the colony with an abundant harvest, plenty and contentment were at length happily restored.

For his zealous and patriotic exertions on this occasion, Governor Bligh subsequently obtained the following testimony of approval from the Imperial Government. It is contained in a letter to his Excellency, from the Under Secretary of State, of date 31st December, 1807:—

“I am to express Lord Castlereagh's approbation of the measures taken by you to relieve the colony from the late

calamities, occasioned by the imprudence of the colonists in not taking precautions against possible inundation."

The Governor had observed, moreover, that independently of their liability to floods, the agricultural interest, which it behoved the Colonial Executive at so important a crisis especially to encourage, was extremely depressed, in consequence of the miserable system of traffic to which I have already alluded, and which was then prevalent in the colony; for rum, and not British money, was at that time the general medium of exchange in the purchase of every thing saleable throughout the territory. Now, to such persons as emancipated convict settlers, who were just beginning to acquire the habits of virtuous industry in the salutary pursuits of agriculture, no state of things could possibly be more injurious; as it daily exposed them to the almost irresistible temptation to barter away their hard-earned produce for what could only contribute to the misery and ruin of their families. Besides, it had not escaped the Governor's observation, that the industrious free emigrant settlers of the humbler class were also universally kept down through the operation of the same system, though in a somewhat different way; for, in disposing of their agricultural produce to the merchants or rather dealers in Sydney, they could only obtain payment in *property*, as it was called, i. e. in rum, tea, sugar, or such other goods as the dealer had to dispose of, at an enormous per-centage above their real value.

Governor Bligh, therefore, immediately set himself to introduce a better order of things, in so far as these classes of the colonial population were concerned. With this view he made a tour of inspection in the agricultural districts of the colony, inquiring successively into the circumstances and resources of each of the settlers, and taking a list of the articles of household consumption which each informed him he stood in need of, as well as of the quantity of beef, pork, wheat, or maize, which he

thought he was likely to be able to *turn into* the King's stores in the course of the ensuing season : and according to the idea he was thus enabled to form of each settler's wants and abilities, he gave him an order forthwith on the Commissariat for the articles which he judged it requisite for him to receive, the price of which he was to pay in produce at a certain fixed rate at the ensuing harvest.

This arrangement was unquestionably the most judicious, the most philanthropic, and the most directly conducive to the rapid advancement of a colony, composed of such heterogeneous materials as the colony of New South Wales, which it was possible for any governor to have adopted at the period in question : for as the King's stores at that time contained almost every article that was required in a family, and as the Governor set a very moderate price on those articles that were thus to be exchanged for produce with the settlers, it was the direct interest of the latter to make immediate payment whenever they were able to do so ; as, in the event of their failure, they were not likely to obtain a second supply from the Stores, and as every thing they required to purchase was sure to cost them at least four times the price any where else.

No wonder then that the memory of Governor Bligh should have been warmly cherished, as it certainly was for a long period by the middle and lower classes of the settlers of older standing throughout the colony. "Them were the days for the poor settler," said a loquacious personage, of one of these classes, at whose comfortable house I was glad to pass the night on one occasion, after a long and dreary ride of fifty miles over a mountainous and desert tract of country ; and who, though originally transported many years before as a notorious smuggler, was then a reputable proprietor of land, and the father of a well-reared and industrious family :—"Them were the days, Sir, for the poor settler : he had only to tell the

Governor what he wanted, and he was sure to get it from the Stores; whatever it was, Sir, from a needle to an anchor, from a penn'orth o' packthread to a ship's cable."

This beneficent and patriotic arrangement of the Governor's, however, was directly opposed to the private interests of that comparatively numerous and powerful class of individuals who had grown corpulent on the drunkenness of the colony, and who lived and moved and had their being as *men of credit and renown*, on the increase and perpetuation of that detestable vice. Certain parties of good repute could no longer sell the usual quantity of Bengal rum, Brazils tobacco, Siam sugar, young Hyson tea, or British manufactured goods at the *usual remunerating prices*—a change of system, which of course could not be tolerated. In short, the craft was in danger, and the rapid falling of the mercury in the barometers of the different harems of the colony portended a storm.

When a quantity of combustible materials has been industriously heaped together to produce an explosion, it is of little consequence in whose kitchen the match is lighted to fire the train. The gentleman who was *the immediate occasion*—I should be sorry to style him *the cause*—of the explosion that ensued in the instance in question, was John Macarthur, Esquire, formerly Captain and Paymaster of the New South Wales Corps, but, for some time previous to Governor Bligh's arrival, a merchant in the colony. This gentleman, who was for several years before his death, which took place in the year 1834, a member of the nominee Legislative Council of New South Wales, deserves the highest credit, not only for having been the first to direct the attention of the colony to the rearing of sheep and the growth of fine wool, but also for the virtuous example which his own well-regulated family uniformly exhibited to the European inhabitants of the territory. As a merchant, however, Mr. Macarthur's interest was unquestionably opposed to the

successful accomplishment of the Governor's measures; and His Excellency, it would seem, being a plain, straightforward, sea-faring man, was apprehensive of counteraction in carrying these measures into effect from his superior ability. But although this state of feeling unquestionably existed for some time, the unhappy events that ensued were the result of certain overt acts and proceedings, which it is necessary to detail at some length, as they relate to a very important period of colonial history, which has not unfrequently been made the subject of the grossest misrepresentation.

Previous to *the March flood* of 1806, the usual price of wheat was seven shillings and sixpence a bushel, and in mercantile transactions promissory notes were frequently given and received for the payment of a certain number of bushels of wheat of the next ensuing harvest; the parties in such transactions mutually conceiving that the price of that commodity would continue nearly stationary. In consequence, however, of the calamitous visitation I have just mentioned, the price of wheat rose, in the year 1806-7, to seventy shillings or even eighty shillings per bushel.* In these circumstances, Mr. Macarthur, happening to hold a promissory note of the kind referred to, of date previous to the inundation, insisted on its literal fulfilment some time posterior to that calamity: but the person who had given the note, holding that he was bound only to make payment at the rate at which wheat was selling when the note was given, and resisting the demand on that ground, the case was referred for decision to the Court of Appeals, in which the Governor decided against Mr. Macarthur, on the broad principle of equity which it seemed to him to involve. Previous to the decision, however, Mr. Macarthur had submitted a paper to the Governor, in which he contended,

* In the month of November, 1806, so much as 7*l.* was paid for a bushel of maize for seed at the Hawkesbury.

that as the drawer of the note — an emancipated Scotch convict of the name of Andrew Thompson — was not one of the persons who had suffered from the flood, and would have had the advantage of the terms of payment in the event of a fall in the market occurring previous to the note's becoming due, he was bound to make payment according to its literal meaning: but the Governor refusing to hear any thing on the subject, Mr. Macarthur took offence, and never afterwards made his appearance at Government House, although the Governor subsequently called on Mr. Macarthur, on being told that he was indisposed.

In the month of March, 1807, the ship *Dart*, of which Mr. Macarthur was in part owner, arrived in Sydney from London. Agreeably to the usual practice on such occasions, her Manifest was exhibited by Mr. Harris, the naval officer, to the Governor; who, observing in the list of articles two large stills — the one addressed for Mr. Macarthur, and the other for Captain Abbott, of the New South Wales Corps*, — made a minute on the Manifest, directing the naval officer to place both of the stills in the King's store, in order to their being sent back by the first ship to England, the distillation of spirits being prohibited in the colony.† As the coppers, or boilers of the stills, however, had been packed full of medicine, the naval

* I have been informed that Captain Abbott had ordered a still to be sent to him by his agent in London; conceiving, doubtless, from the high price of spirits and the insatiable demand for the article in the colony, that it would prove a good speculation. Captain Abbott's agent was also agent for Mr. Macarthur; and rightly conceiving that, if the speculation was a good one for the former of these gentlemen, it would be equally so for the latter, he had sent Mr. Macarthur a still also, without any orders from that gentleman, and entirely of his own accord. I have reason to believe that this statement is well founded.

† A General Order, forbidding the distillation of spirits in the colony, had been published by Governor Bligh on the 14th of February, 1807. See page 94, *antè*.

officer had allowed them to be conveyed to Mr. Macarthur's premises, notwithstanding the Governor's order to the contrary, while the heads and worms were deposited in the King's store. In the month of October following, when the ship *Duke of Portland* was about to sail for London, it was discovered that the coppers were still in Mr. Macarthur's possession; and the circumstance being notified to the Governor, he ordered the naval officer, the late Robert Campbell, Esq., of Sydney, afterwards a member of the nominee Legislative Council of the colony, to have them shipped forthwith. Mr. Campbell having accordingly written to that effect to Mr. Blaxcell, Mr. Macarthur's partner, Mr. Macarthur replied, in a letter to the naval officer, stating that "he had nothing to do with Captain Abbott's still, and that he intended to dispose of his own to some ship going to India or China; but that if that should be objected to, the head and worm could be disposed of as His Excellency thought proper, and that he would apply the copper to some domestic use." Mr. Campbell showed this letter to the Governor, who merely directed him to enforce the original order for the re-shipment of the stills complete to England. The naval officer accordingly sent his nephew, Mr. R. Campbell, jun.*, to Mr. Macarthur, agreeably to the Governor's order, for the two coppers; and on Mr. Macarthur's refusing to give them up without a receipt, Mr. Campbell, junior, procured a receipt from the naval officer for "two stills with heads and worms complete." Mr. Macarthur, however, refused to take the receipt in that form, as he never had either "heads" or "worms" in his possession; and Mr. Campbell, jun., consequently returned to procure another receipt from his uncle: but the naval officer refusing to give any other receipt than the one he had already given, which, it seems, corresponded with the description in his books, Mr. Campbell,

* The late Robert Campbell, Esq., of Bligh Street, Sydney.

junior, returned to Mr. Macarthur agreeably to his original order. Mr. Macarthur showed him where the stills were, and told him he might take them away at his own risk; which he did accordingly. Mr. Macarthur, however, immediately prosecuted Mr. Campbell, junior, before a bench of magistrates for this alleged illegal seizure of his property; and, after the evidence had been fully heard, made a statement in open court, in the presence of a concourse of people, whom the singularity of the case had attracted, to the following effect:—"It would therefore appear that a British subject, in a British settlement, in which the British laws are established by the Royal patent, has had his property wrested from him by a non-accredited individual, without any authority being produced, or any other reason being assigned, than that it was the Governor's order. It is therefore for you, gentlemen, to determine whether this be the tenure on which Englishmen hold their property in New South Wales."

In the month of November, 1807, a few weeks after the occurrence just mentioned, the schooner *Parramatta*, of which Mr. Macarthur was also in part owner, arrived from the island of Tahiti, whither she had sailed from Sydney in the month of June previous, under the command of a Scotchman of the name of Glen, who was afterwards murdered with all his crew on the coast of New Zealand. A convict, it seems, of the name of Hoare, had escaped from the colony by the *Parramatta*, and had been left by the captain at Tahiti; and as the missionaries at that island complained of the circumstance in a letter to Governor Bligh, judicial proceedings were immediately commenced against the vessel on her return to port, to recover the penalty which had thus been incurred by the captain and owners under the colonial regulations. The result of these proceedings was, that a bond for 900*l.*, which had been given by the owners to the colonial Government on the vessel's first arrival in the colony, and

deposited in the hands of the naval officer, was declared to have been forfeited, and the penalty duly incurred. From this decision Mr. Macarthur appealed to the Governor, who, however, did not choose to interfere with the decision of the Court. In the mean time, the owners refusing to pay the penalty, the naval officer refused to enter the vessel, and seized all her papers; constables being in the mean time put on board, to prevent the landing of any part of her cargo.

In consequence of this procedure on the part of the naval officer, Mr. Macarthur notified to Glen and the crew, that he had abandoned the vessel, and that they had consequently nothing farther to expect from him. Glen accordingly went on shore with his crew, informing the naval officer of his being virtually ordered to do so by Mr. Macarthur, and making affidavit to that effect in justification of his procedure in the Judge Advocate's office, as it was contrary to the colonial regulations for seamen to remain on shore in Sydney. In consequence of this affidavit, the Judge Advocate addressed a letter to Mr. Macarthur, summoning him to Sydney to answer in the case on the day following, to which Mr. Macarthur replied in writing, declining to attend.*

The Judge Advocate, construing Mr. Macarthur's declining to attend at Sydney into a contempt of his authority, issued a warrant† to apprehend his person, and convey him to Sydney, to answer in the case before himself and other justices of the peace on the 16th of December. Mr. Francis Oakes, to whom this warrant was addressed, had been sent out in the ship *Duff* about ten years before as a missionary to Tahiti, but had left the island in a twelvemonth after, in consequence of some demonstration of hostile feeling on the part of the natives, and was then settled as chief constable at Parramatta, where Mr. Macarthur resided. Mr. Oakes accordingly

* See Appendix, No. II. 1.

† Ibid. 2.

waited on Mr. Macarthur on the evening of the 15th, and after many humble apologies presented the Judge Advocate's warrant; on the perusal of which, Mr. Macarthur gave him the following written paper in testimony of his having duly executed it; observing at the time, agreeably to the tenor of an affidavit subsequently made by Mr. Oakes, "*that had the person who issued that warrant served it instead of him, he would have spurned him from his presence ;*" "*that if he came a second time to enforce the warrant, to come well armed, as he never would submit till blood was shed ;*" and "*that he had been robbed of ten thousand pounds ; but let them alone, they will soon make a rope to hang themselves.*"

"Parramatta, December 15. 1807.

"Mr. Oakes,

"You will inform the persons who sent you here with the warrant you have now shown me, and given me a copy of, that I never will submit to the horrid tyranny that is attempted, until I am forced ; that I consider it with scorn and contempt, as I do the persons who have directed it to be executed.

(Signed)

"J. MACARTHUR."

Mr. Oakes proceeded to Sydney early next morning, and delivered the note he had received to the Judge Advocate ; relating first to that officer, and afterwards to the Governor in person, the particulars of his interview with Mr. Macarthur, — evidently with the devotedness of a servant who is conscious of being the bearer of important and agreeable intelligence, the relation of which may subsequently prove advantageous to himself. Mr. Oakes' deposition being then taken before a bench of magistrates, the Judge Advocate issued a second warrant, addressed to the chief constables of Sydney and Parramatta, and requiring them to apprehend Mr. Macarthur, and lodge him in jail until he should be discharged by due course of law. In pursuance of this warrant, the two chief constables, with three of their myrmidons, armed with staves or cutlasses, apprehended Mr. Mac-

arthur at the house of Mr. Grimes, the Surveyor-general of the colony, in Sydney; and Mr. Macarthur, being brought before a bench of magistrates held in Sydney on the day following (17th December, 1807), was forthwith committed for trial for high misdemeanours before a Criminal Court to be assembled for the purpose, but was immediately liberated on bail.

The Criminal Court for the trial of Mr. Macarthur, consisting of the Judge Advocate and six officers of the New South Wales Corps, met at Sydney on the 25th of January, 1808; and as the case had excited intense interest, the Court was crowded, and a number of the private soldiers of the Corps (into which about fifty emancipated convicts had been enlisted), armed with their side-arms, were in anxious attendance. The indictment had been prepared by an attorney of the name of Crossley, who had been transported for perjury, but had afterwards received a colonial pardon from Governor King, and was then living at the Hawkesbury. This person, it seems, had frequently been consulted on matters of law, with the Governor's express permission, by the Judge Advocate; as the latter had not received a legal education himself, and was consequently unpractised in such matters. The indictment charged Mr. Macarthur with a contravention of the Governor's express order, in detaining the boilers of the two stills in his premises, and also with an intention to stir up the people of the colony to hatred and contempt of the Governor and Government, in the inflammatory and seditious words he had uttered before a bench of magistrates in Sydney, convened at his particular instance to try Mr. R. Campbell, junior, for the seizure of the stills: it also charged him with intent to raise dissatisfaction and discontentment in the colony, and a spirit of hatred and contempt towards the Governor and Government, in inducing the master and crew of the Parramatta schooner to come on shore in direct violation of the colonial regulations: and it charged

him, moreover, with a seditious contempt of the authority of the Judge Advocate, and with uttering false, scandalous, malicious, defamatory, and seditious words, of his Excellency the Governor, in the paper he had given to the chief constable Oakes, and in the expressions he had used in conversation with that functionary respecting the Governor and Government.

Previous to the trial, Mr. Macarthur had addressed a letter to the Governor, protesting for several reasons against the Judge Advocate's presiding on the occasion, and requesting that his Excellency would appoint some disinterested person to preside in his room: but the Governor being given to understand that the Court could not be constituted without the Judge Advocate, refused to interfere, and replied that the law must take its course. As soon, however, as the Judge Advocate had administered the usual oath to the six officers, and was proceeding to take it himself according to the usual form, Mr. Macarthur, who had in the mean time been surrendered to the Court by his bail, interrupted the proceedings by protesting against the Judge Advocate's being a member of the Court, and presiding on the trial. The Judge Advocate, however, having stated that there could be no Court without him, and that he could not be objected to, as by the terms of the King's patent the Court could not be formed without him, Captain Kemp, one of the six officers, replied, that the Judge Advocate was nothing more than a juryman, or than one of themselves, and might therefore be objected to; and then desired Mr. Macarthur to state his objections; Lieutenant Lawson, another of the officers, exclaiming, "We *will* hear him;" and the Judge Advocate being in the mean time compelled to remove from his seat as President of the Court.

Mr. Macarthur, being thus allowed liberty of speech, read a long protest*, with great animation both of voice

* See Appendix, No. II. 3.

and manner, addressing himself sometimes to the members of the Court and sometimes to the by-standers.

On the conclusion of his address, the Judge Advocate called out to Mr. Macarthur, that he would commit him for his contemptuous language; but Captain Kemp, addressing himself to the Judge Advocate, and calling out, "You commit! No, Sir, I will commit you to jail," or words to that effect; the Judge Advocate, seeing nothing but confusion likely to ensue, and apprehensive of personal danger from the number of soldiers with their side-arms in and about the Court, called out that he "adjourned the Court," and desired the people to disperse; but Captain Kemp and the other officers called the people back, saying, "Stay, stay! tell the people not to go out: we are a Court."

The Judge Advocate having then left the Court, Mr. Macarthur called out to the officers, "Am I to be cast forth to the mercy of a set of armed ruffians—the police?" informing them at the same time, that "he had received private information from his friends that there was a set of armed ruffians prepared against him," and requesting, in a deposition * to that effect, that they would give him a military guard. The officers accordingly pledged themselves for Mr. Macarthur's safety, saying, "We will protect you," and desired some of the soldiers in the Court to guard him; but the provost-marshal, Mr. Gore, into whose hands he had been surrendered by his bail, considering the Court adjourned on the Judge Advocate's proclamation, and regarding this procedure on the part of the officers as a rescue of his prisoner, immediately made affidavit of the circumstance before the Judge Advocate and three other justices of the peace, and procured their warrant for the apprehension of Mr. Macarthur, in order to his being lodged in jail.

* See Appendix, No. II. 4.

In the mean time, the six officers addressed a letter to His Excellency the Governor, informing him that they had agreed to sustain Mr. Macarthur's objection to the Judge Advocate, and requesting him to appoint another Judge Advocate in his room; to which His Excellency replied by informing them that it was out of his power to comply with their request.*

On receiving this letter from the Governor, the officers addressed a second letter to His Excellency, repeating their objection to the Judge Advocate.†

The Judge Advocate having in the mean time addressed a memorial to the Governor, detailing the circumstances above mentioned, and also stating that on leaving the Court the officers had refused to deliver up to him the papers connected with the proposed trial, His Excellency addressed to them a further communication, requiring them to deliver up the papers to the Provost Marshall, Mr. Gore, and his own Secretary, Mr. Griffin.‡

To this letter, replies, enclosing a copy of Mr. Macarthur's deposition, but declining to give up the papers, were returned.§

In answer to these letters, a further communication was sent by His Excellency, repeating his demand for the papers, and informing the officers that they were *no Court* without the Judge Advocate; to which a reply was returned by the officers at five o'clock P.M., adhering to their former position, but expressing their willingness to give His Excellency an attested copy of the papers, and informing him of their having adjourned to the following day.||

In the mean time, the Governor being in the utmost perplexity as to what ought to be done in the case, a messenger was dispatched to Major Johnston, commanding the New South Wales Corps, with the following letter:—

* See Appendix, No. II. 5.

§ Ibid. 8.

† Ibid. 6.

|| Ibid. 9.

‡ Ibid. 7.

" Government House, Sydney, 25th January, 1808.
(*Half-past five o'clock.*)

" Sir,

" His Excellency, under particular public circumstances which have occurred, desires me to request you will see him without delay. I have the honour to be, sir,

" Your most obedient humble servant, =

(Signed)

" EDMUND GRIFFIN,
" Secretary."

" *To Major Johnston, commanding His
Majesty's New South Wales Corps.*"

To this letter, Major Johnston, who lived about four miles out of town, and had very recently received an injury by a fall from his chaise, merely returned a verbal message, intimating that "he was too ill to come to Sydney, and that he was unable to write."

Early on the morning of the 26th of January, the provost marshal apprehended Mr. Macarthur, on the warrant granted by the Judge Advocate and the other three magistrates, to whom he had made affidavit on the preceding day that Mr. Macarthur was no longer in his custody, and lodged him in jail. The six officers being apprised of this circumstance, on their re-assembling pursuant to adjournment at ten o'clock, addressed a letter to his Excellency on the subject; transmitting an attested copy of Mr. Macarthur's objections to the Judge Advocate, and requiring the restoration of Mr. Macarthur to his former bail.*

No answer having in the interval been sent by the Governor to this letter, the officers again adjourned at three o'clock, P.M. In the mean time, the Judge Advocate, having accused the officers, in his memorial to His Excellency above mentioned, of "crimes amounting to a usurpation of His Majesty's government, and tending to incite or create rebellion, or other outrageous treason in the people of the territory," and having prayed His

* See Appendix, No. II. 10.

Excellency "to take such measures in the case, as the nature thereof, in His Excellency's judgment, might require," the Governor determined to issue a summons to the officers, requiring them to appear before him at Government House on the following day. A summons was accordingly addressed to each of the officers to the following effect:—

"By His Excellency William Bligh, Esq., Captain-General and Governor-in-chief in and over His Majesty's Territory of New South Wales and its Dependencies, &c. &c.

"The Judge Advocate having presented a memorial to me, in which you are charged with certain crimes, you are therefore hereby required to appear before me at Government House, at nine o'clock to-morrow morning, to answer in the premises.

"Given under my hand and seal at Government House, Sydney, this 26th day of January, 1808.

(Signed) "WM. BLIGH." (L.S.)

"To Capt. Anthony Fenn Kemp, of His Majesty's New South Wales Corps.

"By command of His Excellency,

(Signed) "EDMUND GRIFFIN, Secretary."

At the same time, the Governor wrote as follows to Major Johnston:—

"Government House, Sydney, 26th January, 1808.

"Sir,

"In answer to my letter of yesterday I received a verbal message by my orderly from you, that you was rendered by illness totally incapable of being at Sydney: I apprehend the same illness will deprive me of your assistance at this time; and the Judge Advocate having laid a memorial before me against six of your officers for practices which he conceives treasonable, I am under the necessity of summoning them before me; and all the magistrates have directions to attend at nine o'clock to-morrow morning.

"I leave it for you to judge whether Captain Abbott should be directed to attend at Sydney, to command the troops in your absence.

"I am, sir,

"Your most obedient humble servant,

(Signed) "WILLIAM BLIGH."

"To Major Johnston, commanding His Majesty's New South Wales Corps."

To this letter a verbal message was again brought in reply by the Governor's orderly, intimating "that Major Johnston desired him to inform the Governor that he was so ill as to be unable to write, but that he would get a person to write an answer in the evening." The object of the Governor in these measures was that the six officers should be brought before himself and a bench of magistrates, as a grand jury, to ascertain whether there was ground sufficient for committing them for trial before a Criminal Court, for treasonable practices or other high misdemeanours.

In this stage of the proceedings it would seem that the six officers took it for granted that the Governor intended to set aside the Criminal Court altogether, and to invest the magistrates with its powers, after having first imprisoned the officers; and it would seem also that Mr. Macarthur's friends were incessant in their endeavours to prepossess them with this idea. It appears, however, from the testimony of Mr. Griffin, the Governor's Secretary, that His Excellency had no such intention; but that, in the event of sufficient ground for committing the officers for trial being found on their examination, the magistrates were in future to take cognizance of all such minor cases as should come within their jurisdiction, while all cases of a criminal nature were to lie over till the Governor should hear from England.

On receiving the Governor's second letter, Major Johnston, though still suffering considerably from his fall, came to Sydney about five, P.M., and drove up to the military barrack, where the officers of the New South Wales Corps and a few other persons gathering around him, and representing the state of things in as dismal colours as possible, persuaded him to usurp the government of the colony, and to place the Governor under arrest.

The first overt act committed in accordance with this advice, was an order for the liberation of Mr. Macarthur

from His Majesty's jail.* On being liberated from the jail, Mr. Macarthur went direct to the military barrack, where Major Johnston and the officers and other persons, by whose advice he was acting, were still assembled. It would be absurd to doubt whether Mr. Macarthur was not previously well acquainted with the measures in contemplation; but on being formally apprised of these measures, he represented to Major Johnston the propriety of having a requisition addressed to him, on the part of the inhabitants, urging him to provide for the public safety by placing the Governor under arrest. Mr. Macarthur was accordingly empowered to draw up such a requisition, which he did forthwith to the following effect; placing his own name at the head of the list which comprised only a very few names, at the utmost not more than nine, and probably not more than six, when the violent measure which it recommended was actually carried into effect.

“ January 26. 1808.

“ Sir,

“ The present alarming state of this colony, in which every man's property, liberty, and life are endangered, induces us most earnestly to implore you instantly to place Gov. Bligh under arrest, and to assume the command of the colony. We pledge ourselves, at a moment of less agitation, to come forward to support the measure with our fortunes and our lives.

“ We are, with great respect, sir,

“ Your most obedient servants.

“ *To Major Johnston, Lieut. Governor, &c.,
commanding the New South Wales Corps.*”

Of the persons who signed this requisition, as well before as after the measure which it professed to recommend had been carried into effect, the greater number consisted of dissatisfied, discontented persons, — a description of persons, of whom there will always be found a sufficient number under any government under the sun.

* See Appendix, No. II. 11.

In addition to Mr. Macarthur, for instance, there was his partner Mr. Blaxcell, who was doubtless equally concerned in the affair of the Schooner *Parramatta*; there was Mr. John Blaxland, a settler, afterwards a member of the nominee Legislature of the Colony, and his brother, Mr. Gregory Blaxland, also a settler, who had private grievances of their own, of the usual colonial character, in having neither got so much land nor so much convict labour as they thought themselves entitled to; there was Mr. Simeon Lord, whose right to an allotment of ground adjoining the Government domain the Governor had recently called in question; there was Mr. D'Arcy Wentworth, whom the Governor had suspended from his office as Assistant Surgeon, after he had been publicly reprimanded by Major Johnston for disobedience of orders, pursuant to the sentence of a General Court Martial; and there was Mr. Nicholas Bayly, who by some unfortunate mistake had no office at all under Governor Bligh, but was immediately made Provost-marshal and Private Secretary by Major Johnston.

The necessary arrangements having thus been made, orders were immediately given for the Regiment to form, and the drum was accordingly beat loud and hard between six and seven o'clock the same evening. The Regiment was instantly formed in the barrack-square, and marched immediately at a quick pace towards Government House (a verandah cottage, which is still standing, on the west side of O'Connell Street, Sydney), with bayonets fixed, colours displayed, and military music. Lieutenant Bell, afterwards a Member of the nominee Council of the Colony, commanded the Governor's guard at the time: whether he had been regularly relieved of that important charge or not, I do not know; but he was observed from Government House ordering his men to prime and load before the Regiment had come up, and he immediately afterwards joined the rest of the Corps. Mrs. Putland, the Governor's daughter, whose husband, a

Lieutenant in the navy, had been interred only a few days before, (on which occasion Major Johnston was chief mourner,) presented herself at the gate of Government House, and endeavoured to prevent Mr. Bell's entrance; but the House being immediately surrounded by the soldiery, an entrance was effected. The Governor, however, was for some time not to be found; but every room in the house being eagerly searched for him by the soldiers, he was at length discovered standing behind a cot which was hanging in a back apartment, to which he had retired on the approach of the military, in the act of concealing certain papers of importance.*

Governor Bligh has been much reprobated for his conduct on this occasion; and the charge of tyranny, which has often been brought against him with great virulence, has been generally acquiesced in the more readily, because of its being supported by the additional charge of cowardice. Had the Governor stood boldly forward, and shot the commanding officer of the New South Wales Corps at the head of his Regiment, as certain colonial wiseacres think he ought to have done, his own life would in all likelihood have been instantly sacrificed; but then the last act of his administration would have sanctified all that had preceded it, and the memory of his alleged misgovernment would have been buried for ever in the grave of a hero. It is somewhat singular that the world reserves all its sympathy for what is merely splendid in action, and will scarcely allow the award of common justice to what is merely right. As things happened, I will allow that it would have been better for the Governor to have met Major Johnston at the gate of Government House, and expostulated with him on the impropriety and the danger of his procedure; and, after

* The account of this part of the affair subsequently given by the Governor on the trial of Major (then Colonel) Johnston, before a court-martial held at Chelsea Hospital in the year 1811, will be found in the Appendix, No. II. 12.

a full and explicit declaration of his intentions, in regard to the officers, to have recommended and commanded his immediate return to his duty. But it was the Governor's intention, on ascertaining that an insurrection had actually taken place, to effect his escape, if possible, to the interior of the colony; where he felt satisfied he would have been gladly received by the free settlers, in whose hands he would have been perfectly safe, if not in a condition to set the Corps at defiance; and the circumstance of his being discovered and seized, when endeavouring to carry this prudent intention into effect—a circumstance which sufficiently demonstrates the suddenness of the movement, and the Governor's entire freedom from all suspicion of any thing of the kind—was not one whit more disgraceful to his character as a British officer, than it would have been disgraceful to King Charles II., to have been discovered and apprehended by the soldiers of Oliver Cromwell, when concealed in the thick foliage of the royal oak.

In reviewing the series of anomalous transactions I have thus narrated, it would seem that there was a singular want of courtesy on the part of the naval officer, Robert Campbell, Esquire, in not giving Mr. Macarthur such a receipt, in the matter of the stills, as that gentleman required, and as would have merely expressed the simple fact in the case in question. Nay, it may even be questioned whether any of the subsequent events would have happened at all, if an occasion of offence had not been given by this apparently trivial circumstance. We are apt to suppose that great and important events must uniformly have their origin and commencement in circumstances equally important. They more frequently originate in what the world calls trifles.

On the other hand, Mr. Macarthur's procedure in prosecuting Mr. Campbell, jun. before a bench of magistrates for an alleged illegal seizure of his property, and in making the statement he emitted on the occasion, was

evidently and strongly reprehensible. The distillation of spirits had been prohibited in the colony, and the Governor had therefore an undoubted right to forbid the landing of every thing in the shape of stills in the territory. He had merely exercised that right in the case in question; and it was in direct contravention of his orders, that the copper boilers of the stills had been allowed by the naval officer for the time being (J. Harris, Esquire, formerly Surgeon of the New South Wales Corps,) to be conveyed to Mr. Macarthur's premises instead of the King's store. Mr. Macarthur, or at least his partner, had been duly apprised of all this; and although it might have suited Mr. Macarthur's convenience to have used the coppers in some other way, every candid person will allow that the Governor was perfectly in the right to enforce his original order, and to desire the naval officer to see that every part and pendicle of the stills should be sent out of the colony; for independently of other considerations, the Governor could not be ignorant that there was mechanical ability enough in the colony to manufacture heads and worms for the boilers, and notorious smugglers enough to use them for the purpose for which they had evidently been intended. No blame could therefore be attached to the Governor throughout the whole transaction. The procedure of Mr. Campbell, jun. in carrying off the boilers, was clearly quite different from such a seizure of private property as is punishable by the laws of England: the prosecution of Mr. Campbell before a bench of magistrates was consequently a most unwarrantable transaction; and Mr. Macarthur's speech before the bench and in open court was, under all the circumstances, uncalled for, and calculated to give great offence to a man of so exceedingly irascible a disposition as Governor Bligh.

The escape of the convict Hoare in the Parramatta schooner undoubtedly constituted a sufficient ground of action, on the part of the colonial government, against

the captain and owners of that vessel. It would seem, however, that there had been some delay on the part of the colonial government in bringing the matter to a proper bearing; but this delay had evidently arisen from the non-compliance of the owners with the colonial regulations, in refusing to give the requisite security for the payment of the penalty they had incurred. Mr. Macarthur's subsequent procedure, in abandoning the vessel, and ordering the master and crew ashore, in contravention of another government regulation, appears to have been a mere stratagem, intended to bring the government to an immediate decision of the case in favour of the owners; for it appears that the master of the schooner provoked the Governor exceedingly (insomuch that His Excellency actually swore at him,) by dunning him on the subject personally at Government House.

It does not appear that the method which the Judge Advocate employed to bring Mr. Macarthur to reason was indefensible. The Judge Advocate's letter, requiring Mr. Macarthur's attendance in Sydney, was doubtless not a summons properly so called in the eye of the law; but as it commenced with "I have it in command from his Excellency," Mr. Macarthur ought surely to have received it in that light, and yielded obedience accordingly. When the Judge Advocate found, however, that Mr. Macarthur had not regarded it in that light, his proper course was to have sent a summons for his attendance *in due form*: but instead of doing so, he interprets his non-attendance as a contempt of authority, and sends a warrant for his apprehension to the chief-constable at Parramatta, as if he had been a rogue and a vagabond; and because Mr. Macarthur expressed himself in regard to this warrant in the indignant manner in which an honest man was likely to have done in such circumstances, he posts off with the constable who gives him the information to Government House, to hatch up a criminal indictment against Mr. Macarthur, and to have

him apprehended, imprisoned, tried, and punished as a traitor.

Much blame was attached by Mr. Macarthur to the ex-missionary constable Mr. Oakes, in having given to his conversation a totally different construction from what Mr. Macarthur alleged it was intended to bear; for it was evidently the report of this very zealous emissary that occasioned the criminal prosecution to which Mr. Macarthur was subjected, with all its calamitous results. It is difficult, however, to determine the exact degree in which Mr. Oakes was blamable, or whether he was to blame at all: he was bound to tell all he heard, for he was put to his oath; and it seems, the information he had to communicate was neither unimportant to his betters nor unpalatable.

It was the official incapacity and the personal worthlessness of the Judge Advocate, however, that contributed mainly to the catastrophe that ensued. This individual, it seems, had been the broken-down relative and dependent of some person in power, through whose influence he had obtained the highly important and responsible situation which he held in the colony. Not having received a legal education, he was quite unable to afford the Governor that information which was sometimes essentially requisite in matters of law, and His Excellency was therefore reduced to the humiliating necessity of receiving such information from a perjured, pilloried, and transported attorney. Dissipated in his habits, and disreputable in his conduct, it was impossible that the Governor could treat him either with confidence or respect; for he had even been prosecuted in the colony on a charge of swindling. Had this colonial dispenser of justice been a lawyer, he would not have rendered it necessary to have recourse to objectionable and polluted sources for legal information: had he been a man of character, of firmness, and integrity, he would in all likelihood have prevented the prosecution of Mr. Macarthur. At all events, he

would not have afforded that gentleman the singular advantage he derived from his own moral worthlessness and official incapacity.

When a prosecution degenerates into a persecution, the injured party has an undoubted right to employ every lawful and available expedient to set it aside; but I am altogether at a loss to discover the propriety of the measure to which Mr. Macarthur resorted in protesting against the Judge Advocate. "It was utterly impossible under any circumstances," observes the Right Honourable Charles Manners Sutton, Judge Advocate-General of His Majesty's Forces, on the trial of Colonel Johnston in 1811; "it was utterly impossible under any circumstances, and not speaking with a view to this particular charge,—it was perfectly incompetent to any person brought before that Court, to offer a challenge against the Judge Advocate sitting upon it; he might as well offer a challenge against a Judge in this country sitting at the Assizes. The Governor has no more right to change the Judge Advocate who sits upon that Court, than he has to change a Judge in England or any where else." But the policy of the measure to which Mr. Macarthur had recourse in challenging the Judge Advocate was not less questionable than its propriety. Taking it for granted that it was a vexatious and unjust prosecution that had been got up against him by the Government, and that the Judge was actuated with the most hostile feelings towards him, had he no confidence in his own ability to manage his defence, or in the integrity of the six officers who were to constitute his jury, and who seem, for the most part, to have been devoted to his interests? In short, Mr. Macarthur's procedure in challenging the Judge Advocate, was impolitic in the highest degree, and absolutely suicidal.

As to what followed—the arrest of the Governor and the usurpation of the Government—there can be but one opinion; it was downright rebellion. Nay, what is

worse, it cannot be regarded as the result of the mere impulse of a moment ; it appears rather to have been the concluding scene of a plot which had been long concocting. Previous to Governor's Bligh's arrival, every thing disrespectful had been industriously circulated respecting him in the colony ; and there seems to have been a latent determination in certain quarters to resist his authority, and to put him down. This determination was speedily roused into action by the Governor's zealous and successful endeavours to put down the barter of spirits, and by a salutary regulation he established, shortly after his arrival in the colony, in regard to the colonial currency ; for as both of these measures had the good effect of discountenancing that system of rapacity and oppression which had long prevailed in the colony, and of extending the shield of the Governor's protection to the industrious classes of the community, they were the more obnoxious in certain influential quarters : and when the prosecution of Mr. Macarthur—an old officer of the New South Wales, or rum-bartering Corps—had afforded a centre of attraction for all the discontentment of that body, as well as for all the latent dissatisfaction of the colony, the spirit it had aroused evinced itself in a manner equally offensive and unequivocal : for on the day preceding the trial, Mr. Macarthur's son and nephew and two bailsmen were all dining along with the six officers who were to sit in judgment on Mr. Macarthur, under the Governor's precept, on the following day, at a public mess-dinner in Sydney ; the colours of the Regiment being displayed on the occasion, and the military band playing till a late hour in the evening. Mr. Macarthur, it is true, was not at the dinner himself ; but he spent the evening in walking to and fro on the parade in front of the mess-room, doubtless enjoying the exhibition, and listening to the music !

After Governor Bligh had written a second time to Major Johnston on the afternoon of the 26th, it was

evidently in the power of that officer to have preserved tranquillity. Had he only gone to Government House, and in strong terms supported the measure of his brother officers, in refusing to receive as their president a Judge, of whose impartiality in the particular case for trial they were more than doubtful, requesting and conjuring His Excellency to appoint some disinterested person in his room, there is no doubt whatever but that the peace would have been preserved, and the matter have ended to his entire satisfaction. But there was evidently no wish to preserve the peace: it had been resolved by the Corps that the Governor's authority should be subverted, and it was done forthwith.

Major Johnston was by no means a man of strong mind, and the position he occupied as the commanding officer of the New South Wales Corps, at the head of this insurrectionary and rebellious movement, was purely accidental; Colonel Patterson, who commanded the Regiment, having been for some time previous at Port Dalrymple in Van Dieman's Land, and Lieutenant-Colonel Foveaux being absent on leave in England. Indeed, if Major Johnston had been a man of commanding intellect, he would have perceived the danger and the criminality of his enterprise, and the result would in all likelihood have been very different: but he was merely an unfortunate instrument in the hands of others; and the circumstance illustrates the important truth, that power is often far more dangerous to the liberties and the welfare of the people in the hands of a good-natured, easily-advised, weak man, than in those of a man of much inferior moral principle, but of masculine understanding.

It was on the 26th of January, 1808, the twentieth anniversary of the founding of the colony, that Major Johnston assumed the government of New South Wales, as Lieutenant-Governor of the territory.

On the 27th the following General Order was published, together with a proclamation to the inhabitants and

the soldiery, concluding in the following grandiloquent style :—

“Soldiers !

“Your conduct has endeared you to every well-disposed inhabitant in this settlement! Persevere in the same honourable path, and you will establish the credit of the New South Wales Corps on a basis not to be shaken.

“God save the King!”

“GENERAL ORDER.

“Richard Atkins, Esq., Judge Advocate, is superseded from that office, and Edward Abbott, Esq., is appointed Judge Advocate during his suspension. Anthony Fenn Kemp, Esq., John Harris, Esq., Thomas Jamieson, Esq., Charles Grimes, Esq., William Minchin, Esq., Garnham Blaxcell, Esq., John Blaxland, Esq., and Archibald Bell, Esq., are appointed Magistrates; and those persons who heretofore performed the duties of that office are to consider themselves dismissed. Lieut. Lawson is appointed Aide-de-camp to His Honour the Lieutenant-Governor. Nicholas Bayly, Esq., is appointed Secretary to His Honour the Lieutenant-Governor, and to be Provost Marshal during the suspension of William Gore, Esq., who is hereby suspended from that office. John Palmer, Esq., Commissary, is suspended from that office; and James Williamson, Esq., is directed to take upon himself the charge of His Majesty's stores, and act as Commissary during his suspension.

“Robert Campbell, Esq., is dismissed from the office of treasurer to the public funds, naval officer, and collector of taxes, and is hereby directed to balance his accounts, and to deliver them to His Honour the Lieutenant-Governor. Thomas Jamieson, Esq., is appointed naval officer.

“By command of His Honour the Lieutenant-Governor,

(Signed) “NICHOLAS BAYLY, Secretary.

“*Head Quarters, 27th of January, 1808.*”

On the 30th of January another General Order was published, of which the following is an extract. Whether piety or hypocrisy is its leading feature, the reader will of course determine for himself :—

“The Rev. Henry Fulton is suspended from discharging in future the office of Chaplain in the colony. [N.B. He had adhered to the Governor.]

“The Officers, civil and military, are ordered to attend divine

worship on Sunday next, at the New Church; and every well-disposed inhabitant is requested to be present to join in thanks to Almighty God, for his merciful interposition in their favour by relieving them without bloodshed from the awful situation in which they stood before the memorable 26th instant."

On the 12th of February, Mr. Macarthur was appointed a magistrate of the territory and Colonial Secretary: on the second of that month he had been tried, on the indictment prepared by Judge Advocate Atkins, before a Criminal Court held under the precept of the Lieutenant-Governor, and consisting of the six officers who had been appointed to act in the same capacity on the 25th of January by Governor Bligh; Charles Grimes, Esq., Surveyor-General of the colony, acting as Judge Advocate on the occasion. The result of that trial was his unanimous acquittal — a result which confirms the opinion I have already expressed; viz. that with such jurors as the six officers, Mr. Macarthur had nothing to fear, and might therefore have gone to his trial before Judge Atkins with perfect safety. In regard to his official appointment — without derogating in the least from Mr. Macarthur's personal character and intellectual ability — it would surely have been much better for Major Johnston, if, under such circumstances as had occurred, it had not taken place.

In the mean time, different classes of persons throughout the colony regarded the subversion of Governor Bligh's authority very differently, according as they were severally influenced by their particular views and interests. The military and the grog-sellers of Sydney were quite vociferous in praise of the new *régime*; celebrating the accession of Major Johnston with bonfires, laudatory addresses, and the other customary demonstrations of joy. To increase the number of these addresses, and thereby to demonstrate to the British Government the universality of the feeling of satisfaction that pervaded the colony in regard to the subversion of the late Governor's authority,

wholesome stimulants were opportunely administered in various directions; the fears of some individuals being adroitly wrought upon, while others were won over by unmerited indulgences. Mr. Arndell, one of Governor Bligh's magistrates, signed one of these laudatory addresses to Major Johnston, but addressed a private letter to Governor Bligh immediately after, assuring him that he had done so under the influence of fear. There was some ground for this feeling, it must be allowed; Mr. Gore, the Provost-Marshal, having not only been suspended from his office, but imprisoned in one of the condemned cells of the jail for eleven weeks and four days, on a charge of perjury, forsooth, *in having made affidavit that Mr. Macarthur was out of his custody on the 25th*—for which offence he was afterwards torn from his wife and infant family, and sent to the coal mines at Newcastle for four months; while Crossley, the emancipist attorney, who had merely acted at the request of the Judge Advocate, with the Governor's express permission, in preparing the indictment against Mr. Macarthur, was sentenced to seven years' transportation. On the other hand, rum from the King's store, permits to land and licences to retail ardent spirits, grants of land and Government cattle, were distributed largely to that part of the free population that either approved of the late measures, or were likely to do so *with proper encouragement*; free pardons and other lesser indulgences being dealt out with equal profusion to the bond.

In this way a number of persons of the worst character were turned loose upon the colony, to the great annoyance of the free settlers*; and as an idea had also got

* In Major Johnston's despatch to Lord Castlereagh, of date April 12. 1808, which was written by the Colonial Secretary, much credit is taken for having relieved the King's stores of the maintenance and clothing of *three hundred persons*. It was easy to do His Majesty a service of this kind at any time in New South Wales, under the penal system of that colony, simply by throwing open the jail door or turning loose the jail gang.

abroad among the convicts that the colony had now become free, and that it was no longer obligatory to labour, the result was a state of anarchy that produced a general neglect of the cultivation of the soil, and was otherwise distressing in the extreme to the well-disposed part of the population.

The encouragement which Governor Bligh had uniformly extended to that part of the population, during the short period of his government, had rendered him extremely popular, both among the free emigrant and the better part of the emancipated convict settlers, and united them strongly in his favour. To prevent a re-action*, therefore, all public meetings (saving and except for the purpose of addressing the existing authorities), were strictly prohibited; and so vigilant was the superintendence of the dominant party in this particular, that information having been given that meetings were, nevertheless, held weekly by the Presbyterian settlers of Portland Head, Lieutenant Bell was despatched with a constable on the day of meeting to take cognisance of the matter, and, if necessary, to disperse the unlawful

* That something of this kind was actually apprehended is rather insinuated than expressed in the following paragraph of Major Johnston's despatch to Lord Castlereagh, referred to in the preceding note:—"I am now, my Lord, arrived at the most painful part of my task—an explanation of the causes that have prevented me from preparing a better and arranged statement of the transactions in which I have been engaged. It is with deep concern I find myself obliged to report to your lordship, that the *opposition* of those persons from whom I had most reason to *expect support*, has been one of the principal obstacles I have had to encounter." And again: "The unanimity in which I have felt so much pleasure, I quickly discovered was not to be preserved without a sacrifice of His Majesty's interests, and a departure from the regulations that have been made to check the importation of spirituous liquors into the colony." In fact, it was a general scramble that Major Johnston's supporters wanted, and not a mere change of government. Like sailors, when a ship is sinking, they wanted to get at the rum casks.

assembly: but finding them all peacefully engaged in the public worship of God, (for the day of meeting was the Sabbath), he remained till the conclusion of the service, and then assured them they should experience no further annoyance. The Presbyterian settlers had, probably, incurred suspicion by their refusal to attend the muster of their district, which had been ordered by the existing authorities shortly after the Governor had been deposed, or to recognise these authorities in any way.

But though prevented from making any open demonstration in favour of the Governor, the free settlers were still anxious to do every thing in their power for His Excellency, now especially that *his back was at the wall*.

With this view, two respectable individuals of that class, viz. Mr. George Suttor, the father of one of the members of the present Legislative Council of the colony, and another free emigrant settler of Baulkham Hills—a small settlement beyond Parramatta, long deservedly famous in the colony for its valuable orange-groves—exerted themselves in getting a memorial to the Home Government, in favour of Governor Bligh, drawn up and signed by the free settlers, and forwarded to England: but the circumstance being discovered by the existing authorities, Mr. Suttor was brought before a Criminal Court, of which he refused to acknowledge the legality, and subjected to six months' imprisonment, for going about, forsooth, *to disturb the peace of the colony*, and to bring the Government into contempt; and ways and means were adopted to counteract their memorial by vilifying the character of the whole body to which they belonged.

This procedure on the part of the free settlers rendered it expedient for the existing authorities to get rid of Governor Bligh as soon as possible: for this purpose he was at length forced to leave Government House, where he had previously been kept under the closest restraint, (being followed by a sentry wherever he went),

and was thenceforth confined with his daughter to a subaltern's apartments in the military barracks, where he was kept a close prisoner, and was not permitted to have any intercourse with his friends. After much fruitless negotiation, however, he was allowed, in the month of March, 1809, on condition of his proceeding to England, to resume the command of His Majesty's ship *Porpoise*, which was then lying in the harbour, and on board of which he accordingly embarked: but instead of proceeding direct to England, he sailed for the Derwent River in Van Dieman's Land, which was then a dependency of New South Wales. He was there treated at first with every degree of respect; but despatches being forwarded in the mean time from Head-Quarters, giving information of the conditions on which he had been permitted to leave the parent colony, an attempt was made to seize his person, and he was obliged to re-embark. He remained on the coast of that island, in daily expectation of despatches from England, during the remainder of the year 1809, and was lying in Adventure Bay, when Colonel Macquarie arrived in Sydney, on the 28th of December of that year, as Governor of New South Wales; the affairs of the colony having been successively administered during the period that had elapsed from the subversion of his authority, on the 26th of January, 1808, by Major Johnston, Lieutenant-Colonel Foveaux, and Colonel Patterson, of the New South Wales Corps. Colonel Macquarie had been ordered to reinstate him in the government of the colony for the period of twenty-four hours after his own arrival; but in consequence of his absence at the time, this was not done. He was apprised, however, by Lord Castlereagh, who was then Secretary of State for the Colonies, that "the mutinous outrage committed upon him had caused the strongest sensation, and that His Majesty had ordered Major Johnston to be sent home in strict arrest, to be brought to trial for his conduct, and the New South Wales Corps to

be relieved by the 73rd Regiment." He was empowered at the same time to carry home with him to England all such persons as he should think necessary to appear in evidence, "to substantiate the charge of that officer's mutinous proceedings."

Much credit has been claimed for superior management by the friends of the interim Government, on the ground that no bills were drawn for a considerable period on the British Treasury, for the public expenses of the colony: but who would have taken such bills in such circumstances? The Government herds, however, were sadly diminished in number during that period; duties on imports were imposed, and levied, and expended; and the King's stores, which were well replenished under Governor Bligh's administration, soon presented *a beggarly account of empty boxes*. The gentlemen of the New South Wales Corps were not the men to govern a colony for nothing; for it is much the same whether the King's debts are paid by bills on his Treasury, or by selling his goods.

Captain Bligh arrived in Sydney from Van Dieman's Land in the month of January, 1810, a few weeks after the arrival of Governor Macquarie: he sailed for England on the 12th of May, and arrived on the 25th of October following. There had been a change of ministry in the mean time, and the new authorities were for some time wonderfully indifferent about the colony. Besides, every means which the ingenuity of malignity could devise, had been used by Governor Bligh's enemies,—and, I am sorry to add, not altogether unsuccessfully in certain quarters,—to ruin his character, and to render him an object of universal detestation. He was immediately promoted, however, to the rank of Rear Admiral in the navy, and was employed in active service; and on his application to the proper authorities, Lieutenant-Colonel Johnston, who had in the mean time obtained promotion through the death of Colonel Patterson, was at length

brought to his trial before a Court-martial held at Chelsea Hospital on the seventh of May, 1811, Lieutenant-General Keppel president. The trial lasted for thirteen days, many witnesses having been examined who had been brought home to England from New South Wales, both on the part of the prosecution and on that of the defence, at a prodigious expense to the public. For the formal decision of the Court, which was that Lieutenant-Colonel Johnston had been guilty of the act of mutiny charged against him, and should be cashiered, see Appendix, No. II. 13. I may add that Mr. Macarthur was prohibited for eight years thereafter from returning to the colony.

In the course of the trial the most frivolous and unfounded charges were brought by Colonel Johnston's witnesses against Governor Bligh. It was attempted to be established, for instance, that he had been in the habit of pulling down the houses of private individuals, and preventing them from building on their allotments. In answer to this charge, it was proved satisfactorily that a line of demarcation had been drawn around Government House by Governor Phillip, within which no private individual was allowed to erect any building. Governor King had, however, allowed a few cottages to be built within the line by private individuals, to the great inconvenience and annoyance of his successor. These cottages, which at best had been but paltry erections, Governor Bligh had ordered to be removed within a certain limited period, which was afterwards extended; offering the proprietors, however, eligible allotments in other situations, together with assistance from Government for the erection of other cottages. A similar line of demarcation had, it seems, been drawn by a former Governor around St. Philip's church in the town of Sydney; within which, however, Governor King had granted an allotment to Mr. Macarthur a few months before he left the colony. That allotment remained unoccupied and unenclosed till the middle of January, 1808, when the affair of the Parra-

matta schooner had placed Mr. Macarthur in some measure at variance with the authorities. In the mean time, the Governor had signified to Mr. Macarthur, through the Surveyor-General of the colony, that he was not to fence in the allotment, as he had written to the Secretary of State on the subject of its appropriation, but that he might have any other vacant or unappropriated allotment in the town. Mr. Macarthur accordingly pointed out three different allotments, all of which he was told, however, had already been appropriated for other purposes. Not choosing to make any other selection, he then notified to the Surveyor-General that he was determined to keep the allotment he had got from Governor King, and accordingly hired certain soldiers of the New South Wales Corps to enclose it with a fence: the Governor, however, having ordered the superintendent of convicts to prevent the enclosure of the ground, the latter did so accordingly by pulling up the first post that was erected for the rail fence. To the charge of unjustly interfering with private property, founded on this transaction, the Governor replied, that in addition to the allotment having been expressly included in a previous reservation for the church—on which subject he had particularly solicited the Secretary of State's commands—it contained a public well, which had long supplied many of the inhabitants of Sydney with water. To the truth of this statement I can bear testimony, as part of the allotment in question, including the well, was afterwards granted by Sir Thomas Brisbane to the Scots church; and, singular as the coincidence may appear to the reader, when the parties in charge of the ground proceeded to fence it in, during the year 1824, at a time when Sir Thomas Brisbane was absent at Moreton Bay, and the writer in England, the Civil Engineer of the colony, who wished to have a part of it appropriated for some other public purpose, caused the fence to be torn down, and erected a house, for Government purposes, on

a portion of the allotment, observing that "the Government had given the Scots church nothing that could not be resumed." Governor Bligh's principle was very different: it was merely that no Governor could grant to any private individual what had already been appropriated by a former Governor for the public service. But, even supposing that His Excellency's endeavour to dispossess Mr. Macarthur of the allotment in question was an unjustifiable interference with private property, and that the fine awarded in the case of the Parramatta schooner was equally unjustifiable; redress could have been had in either of these cases by an appeal to the Secretary of State: and the circumstance of there having been no such appeal presented in any case during Governor Bligh's administration, and no complaint made against him from the colony previous to his arrest, is a sufficient proof that proper means had not been resorted to by the parties concerned in that violent measure, before proceeding to extremities.

It was also asserted, that Governor Bligh had interfered with the sentences of courts of justice, and had even caused individuals to be punished twice for the same offence. This allegation was most distinctly and satisfactorily disproved in every instance, without exception, to which it referred. Nay, it was even proved that Governor Bligh had caused the practice of inflicting arbitrary and illegal punishments, (as in the case of the imprisonment and subsequent liberation of convicts without a magistrate's warrant,) which had been in use under his predecessors, to be discontinued. The testimony of Richard Atkins, Esq., Judge Advocate of the colony, both on this particular and in regard to Governor Bligh's general character as a lover of impartial justice, was most remarkable. That individual was one of Colonel Johnston's principal witnesses: he had been reinstated by that officer some time after Governor Bligh's arrest, having been previously shown a private letter of the Governor to

the Secretary of State, recommending his dismissal from the office of Judge Advocate. That letter, which had been seized along with all the other private and confidential papers of that unfortunate officer, contained the following character of Mr. Atkins; Governor Bligh having been desired by the Secretary of State to inform him privately of the characters of individuals holding office in the colony : —

“He has been accustomed to inebriety; he has been the ridicule of the community; sentence of death has been pronounced in moments of intoxication; his determination is weak; his opinion floating and infirm; his knowledge of the law is insignificant, and subject to private inclination; and confidential causes of the Crown, where due secrecy is required, he is not to be trusted with.”

But notwithstanding his knowledge of this most unfavourable testimony, which had been given of himself by Governor Bligh, and urged by that officer as a ground for his dismissal from office, it is nevertheless the fact — and it is much to the credit of Mr. Atkins — that when asked by the Court on Colonel Johnston’s trial, “if Governor Bligh,” whom he had every opportunity of knowing thoroughly, “conducted himself during his government as an honourable, upright, and honest man;” he replied, “as an honourable, honest man, Sir; upon my word, I believe he did: taking from the first day that Governor Bligh assumed the government to the last day when it concluded, I have no reason to think otherwise.”

It was even attempted to be proved against Governor Bligh, as an evidence of his utter unfitness for the situation to which His Majesty had appointed him, that he had allowed the public buildings to fall into a state of dilapidation. It was admitted, however, that he had completed the church in Sydney, which had only been commenced by his predecessor; and that he had also done what was requisite to improve the appearance of the other public buildings previously erected. It must be borne in mind, however, that Governor Bligh had only been allowed to retain the government of the colony for seventeen months;

and that whereas he had found the colony at the commencement of that period in a state of misery and starvation, he had brought it, through his judicious measures, and the blessing of Divine Providence, into a state of plenty and prosperity.

That Governor Bligh was a passionate man, extremely irascible in his disposition, and disposed occasionally to give utterance to his angry feelings in language unbecoming an officer and a gentleman, I willingly admit; but that he had any other end in view than the administration of impartial justice, and the general welfare of the colony he was deputed to govern, I can find no ground whatever for believing. On the contrary, "his very failings lean'd to virtue's side." He found individuals in the colony who had received *extraordinary* indulgences from the Home Government; and it was evidently his desire that all deserving persons, of the class of free settlers, should in future share alike.

But Colonel Johnston and his supporters, and especially W. C. Wentworth, Esq., M. C., whose father, Mr. D'Arcy Wentworth, he had suspended from office, say he was a coward; and Colonel Johnston and Mr. Wentworth are both honourable men. I shall leave Governor Bligh to reply to this charge in person:—

"My situation is embarrassed," observes the old Admiral, in his reply to Colonel Johnston's defence, "by Colonel Johnston having made a personal and invidious contrast between himself and me. He has said, 'That to him the situation of prosecutor or defendant is new and painful; but that such have been the misfortunes attending my service, that a series of prosecutions by and against me, and always referring to my personal conduct, have marked my career; mutiny and insubordination are the charges I have repeatedly preferred; tyranny and oppression are the offences for which I have been tried, and on full proof reprimanded.' He adds, that it is painful to speak in terms of censure of a British officer; but what pain will it give him to learn that the statement is false and the censure misapplied? I never before preferred a charge of mutiny, nor have I ever been in any way involved in one, except in the case of the *Bounty*, and the mutiny at the *Nore*. As to the first,

on my return I was instantly promoted from the rank of Lieutenant, and within a month after was made a post-captain: the mutineers were tried in my absence; and it fully appeared that no severity on my part gave occasion to the offence. As to the mutiny at the Nore, I little thought any officer would have looked back to such an event, and least of all for the purpose of calumniating a captain in the navy. Twice only have I been defendant at a court-martial; once for the loss of the *Bounty*, when I was honourably acquitted; and on another occasion, when I was only desired to be more guarded in my language. Three times I have been a prosecutor, and in one instance the charge arose out of the very mutiny which is now before the Court: but in a case of mutiny I never before was prosecutor — and of tyranny and oppression I was never found guilty. I am the more anxious about this, because this is not the only instance in which a needless attack has been made on my reputation. A hopeless defence was protracted for the purpose of putting on the minutes an imputation of cowardice, equally false with respect to myself, and useless to Colonel Johnston; to explain which, I must trespass a moment on the time of the Court.

“Just before I was arrested, on learning the approach of the Regiment, I called for my uniform, which is not a dress adapted to concealment; and going into the room where the papers were kept, I selected a few which I thought most important, either to retain for the protection of my character, or to prevent from falling into the hands of the insurgents: — among the latter were copies of my private and confidential communications to the Secretary of State, on the conduct of several persons then in the colony: with these I retired up stairs, and, having concealed some about my person, I proceeded to tear the remainder. In the attitude of stooping for this purpose, with my papers about on the floor, I was discovered by the soldiers on the other side of the bed. As to the situation in which it is said I was found, I can prove by two witnesses that it was utterly impossible; and I *should* have done so in the first instance, had I not thought that Col. Johnston was incapable of degrading his defence by the admission of a slander, which, if true, affords him no excuse; and, if false, is highly disgraceful. I know that Mr. Macarthur wrote the dispatch in which this circumstance is mentioned with vulgar triumph; but I could not anticipate that Col. Johnston’s address to the Court would be written in the same spirit; and that, after being the victim of Mr. Macarthur’s intrigues, he would allow himself to be made the tool of his revenge. It has been said that this circumstance would make the heroes of the British navy blush with shame and burn with indignation: I

certainly at such a suggestion burn with indignation; but who ought to blush with shame, I leave others to determine.

"The Court will forgive me if I intrude a moment on their time, to mention the services in which I have been employed. For twenty-one years I have been a Post-Captain, and have been engaged in services of danger, not falling within the ordinary duties of my profession:—for four years with Captain Cook in the *Resolution*, and four years more as a commander myself, I traversed unknown seas, braving difficulties more terrible because less frequently encountered. In subordinate situations I fought under Admiral Parker at the Dogger Bank, and Lord Howe at Gibraltar. In the battle of Camperdown, the Director, under my command, first silenced, and then boarded the ship of Admiral de Winter; and after the battle of Copenhagen, where I commanded the *Glatton*, I was sent for by Lord Nelson to receive his thanks publicly on the quarter-deck. Was it for me then to sully my reputation and to disgrace the medal I wear by shrinking from death, which I had braved in every shape?—An honourable mind will look for some other motive for my retirement, and will find it in my anxiety for those papers, which during this inquiry have been occasionally produced, to the confusion of those witnesses who thought they no longer existed. * * * *

"I left the command of a seventy-four gun ship in the Channel to take the government of the colony. In all my General Orders or public regulations, not one appears founded on private interest, or even friendly partiality. The barter of spirits, a source of emolument to other Governors, I prohibited; the confined distribution, an advantage to myself in common with all the officers, I extended; the former practice of irregular committal to prison I abolished; the limits of arbitrary punishment I contracted. I consulted the general good of the colony, instead of allowing myself to be guided by the selfish policy of a few individuals; and I determined that all ranks alike should be respectful and obedient to the law. But these were the offences which rendered me unfit to govern."

It is well known that the proceedings of Courts-Martial are never published till the sentence has either been pronounced or ratified by the Commander-in-chief. On the occasion, however, of the trial of Colonel Johnston, a surreptitious and false document, purporting to be a copy of the sentence, and containing various severe reflections on Governor Bligh, which formed no part of the real

judgment of the Court, was drawn up by some party interested in the issue of the trial, and published in a newspaper of the period, called "The British Express," from which it was immediately copied verbatim into most of the other periodicals of the kingdom. A copy of the Express, containing the document I allude to, was folded up, wet from the printing-office, and forwarded in an envelope to Admiral Bligh; and in the inside of the envelope there was sketched the figure of a pistol, intimating, doubtless, that the old admiral had now nothing further to do but to use that instrument effectually, and be off! In taking leave of the subject, on which I flatter myself the reader will not suppose I have dwelt too long, when he recollects that the preceding details involve the vindication of the character of a deeply injured and most unfortunate, but really meritorious British officer, I cannot help remarking, that although Governor Bligh by no means merited unqualified commendation for his government of New South Wales, his adversaries were evidently conscious that their own cause was utterly indefensible when they deemed it required such diabolical support.

As the reader will doubtless feel somewhat interested in the subsequent history of Colonel Johnston, whose criminality in the whole course of this untoward affair was rather the result of misfortune than of misconduct, I shall only add, that he returned to New South Wales shortly after his trial, and spent the remainder of his days in the colony, where he died universally regretted during the government of Major-General Macquarie. Colonel Johnston was of a highly respectable family in Annandale in Scotland; and having obtained a commission in the army at the early age of twelve years, he commenced his military career in America, and had served both in India and on the coast of Africa, before embarking for New South Wales on the first establishment of the colony.

CHAP. V.

ACCOUNT OF THE STATE AND PROGRESS OF THE COLONY
DURING THE GOVERNMENT OF MAJOR-GENERAL MACQUARIE.

Who would not live a year or two in Sydney,
 To get acquaint with all its noupareils ;
 To dine with people of a certain kidney,
 And bask all in the sunshine of their smiles?
 They don't live quiet, as they ought, and hid. Nay,
 Proud of expulsion from the British Isles,
 Some glory in their shame ! Very strange tales
 Are told of gentlemen of New South Wales.

Diary of an Officer in the East.

LACHLAN MACQUARIE, Esq., the fifth Governor of New South Wales, was lieutenant-colonel of the 73rd Regiment, on his arrival in the colony ; but before the close of his government he had attained the rank of a Major-General in the army. He assumed the government of the colony on the 28th of December 1809, and retained it for the long period of twelve years, or till the 1st of December, 1821.

The era of Governor Macquarie is not unfrequently referred to as the commencement of the prosperity and the rising greatness of New South Wales. He is usually styled the father of the colony ; and one of the favourite modes of exciting the popular feeling against succeeding colonial administrations was to contrast them with that of Governor Macquarie. I was induced, for a time, to receive these representations myself without hesitation and without suspicion ; but a closer examination has induced me to qualify them with a few grains of salt.

Governor Macquarie entered on the government of New South Wales under the most favourable auspices. The New South Wales Corps, which had long controlled the Government and repressed the energies of the colony,

being at length ordered home to England, there was no organised body in the country to counteract his measures; and he had the 73rd Regiment of the Line, which had had no previous connection with its inhabitants, to support them. With a comparatively unlimited command of British money and convict labour, he had the experience of the colonists for upwards of twenty years to guide him in regard to the best mode of expending the one, and of employing the other, for the benefit of the settlement; and as the grand experiment for which the colony had been originally established had now been under trial for a long series of years, it required only common discernment to ascertain, and common sense to pursue, what was best calculated to promote the welfare of the free, and to hasten the reformation of the convict population. In short, Governor Macquarie had the remodelling of the whole political and moral frame-work of the colony almost completely in his power; and the position he thus occupied for a long series of years was consequently, in a moral and political light, much more commanding, much more influential, and much more important to the colony in all future time, than that of any of his successors.

Governor Macquarie commenced his administration by issuing two proclamations, agreeably to the instructions with which he had been charged by His Majesty's ministers: the first was declaratory of the King's displeasure at the late mutinous proceedings in the colony; the second rendered null and void all the acts of the interim Government; leaving the Governor, however, a discretionary power to act, both in regard to the past and the future, agreeably to the dictates of his own judgment. In the exercise of this power, he ratified most of the acts of the Provisional Government, endorsed its bills on the Treasury, and confirmed for the most part its grants of land.

There had been repeated inundations of the Hawkesbury after the great *March flood* of 1806, before the

arrival of Governor Macquarie; in one of which, the *August flood* of 1809, the waters had risen six or eight feet higher than in 1806, the highest level of the inundation of that year, at the town of Windsor, having been not less than eighty-six feet above the usual tide level of the river. The necessary consequence of this calamitous event was a great loss of property, especially of grain; a great dearth and scarcity of the necessaries of life, and the prevalence not only of destitution, but of a feeling of general recklessness among the humbler class of settlers.* In these circumstances, the Governor made a tour of inspection in the agricultural districts, especially in those within reach of inundations; and it is impossible to withhold the tribute of praise from His Excellency for the humane and at the same time judicious arrangements which he made on the occasion, and the feeling of heart-felt concern for the welfare and advancement of the humbler classes of the colonists which these arrangements evinced. In the General Order which he caused to be published on his return to Sydney, the following paragraph occurs:—

“ His Excellency, however, cannot forbear expressing his regret, that the settlers in general have not paid that attention to domestic comfort which they ought to do, by erecting commodious residences for themselves, and suitable housing for the reception of their grain and cattle; nor can he refrain from observing on the miserable clothing of many of the people, whose means of providing decent apparel, at least, are sufficiently obvious to leave them without any excuse for that neglect. — His Excellency, therefore, earnestly recommends and trusts,

* In the month of June, 1810, six months after the arrival of Governor Macquarie, wheat was selling at Sydney at 1*l.* 3*s.* 3*d.* per bushel, with a rising market; maize was six shillings a bushel; butchers' meat, one shilling and sixpence per pound; potatoes, fifteen shillings per cwt.; fowls, three shillings each; and eggs, half a crown per dozen.

that they will pay more attention to those very important objects; and, by a strict regard to economy and temperance, that they will, on his next annual tour, enable him to give a more unqualified approbation to their exertions."

To prevent the recurrence of the scenes of 1806 and 1809, and to place the houses and property of the settlers in the flooded districts beyond the reach of future inundations, Governor Macquarie established townships at Windsor, Richmond, Pitt-Town, and Wilberforce, for the Hawkesbury district; at Castlereagh, for the Nepean, and at Liverpool, for George's River; offering the settlers in these vicinities respectively allotments free of cost in the townships for their houses and farmyards; giving them a plan of such houses as he proposed they should erect, and engaging to reward those who should comply with these conditions with cows and sheep at reasonable terms and on long credit from the Government herds.

One of the first duties of a governor in a new colony is to open practicable lines of communication between its different settlements, and to render its available territory easily accessible; and there is no colony in the empire so favourably circumstanced, in this important respect, as New South Wales undoubtedly was during the government of Major-General Macquarie. The unlimited command of convict labour for this particular purpose was an advantage of great value to that colony; and the construction of roads and bridges was unquestionably the most appropriate employment in which persons of that description could be engaged: for as it was the intention of the law that the convict should be punished, it was doubtless the duty of the Colonial Executive not only to carry that intention into effect, but to render the punishment at the same time as beneficial as possible to the colony; and it would be difficult to point out any method of employing the convict labour of a penal colony

in which these two important objects could be more fully or more unexceptionably attained.

Governor Macquarie's exertions in this respect were above all praise. There had been a sort of road previous to his arrival between Sydney and Parramatta, which had been extended to Windsor and Richmond, to afford the numerous settlers on the Hawkesbury an easy access to the capital. This line of road, extending about forty-five miles, Governor Macquarie greatly improved. He also constructed a good road to Liverpool, a settlement about twenty miles from Sydney, which he had formed on the banks of George's river, a navigable stream of minor importance, which empties itself into Botany Bay; and he subsequently continued it in three different directions to the westward and south-westward, viz. to the Cow-pastures, the district of Bringelly, and the agricultural settlements of Campbell-town, Airds, and Appin.

The Cow-pastures, of which I have already mentioned the discovery by the wild cattle, is an extensive agricultural and grazing district, situated about forty miles to the south-westward of Sydney, and watered by a river called the Cow-pasture River, which, after its junction with the Warragumby, a stream issuing from the Blue Mountains, forms the Nepean. The other districts enumerated, in which a large proportion of the small settlers of the era of Governor Macquarie were located, are situated more to the southward.

But the greatest achievement of Governor Macquarie in the way of road-making, was the road across the Blue Mountains to Bathurst, a settlement then newly formed, about 130 miles to the westward of Sydney. Of the discovery of that portion of the colony, which opened up a boundless extent of available pasture land to the colonists, at a period of peculiar emergency, I shall relate the particulars in the sequel, when enumerating the discoveries effected during the administration of Governor Macquarie.

As it was of great importance to the colony, in the circumstances in which it was placed at the period of that discovery, to render the vast extent of available country which had thus been laid open easily accessible, Governor Macquarie placed the whole of the disposable convict labour of the colony on the mountain-tract, which the resolute discoverers had successfully pursued; and in a period of time incredibly short succeeded, chiefly by dint of promises and rewards, in forming a good road to Bathurst, of which at least fifty miles traverse an extent of country the most rugged, mountainous, and sterile imaginable. Indeed, there was a vigour about Governor Macquarie's administration, of which even at this distance of time it is quite refreshing to contemplate the effects, and which, under the guidance of a better-regulated judgment, would undoubtedly have led to the happiest results. The whole extent of road constructed during Governor Macquarie's administration was two hundred and seventy-six miles; and along this whole extent, substantial wooden bridges were constructed wherever they were required.

The number of public buildings of every description, as well as of other public works, erected or constructed by Governor Macquarie, not only in Sydney and Parramatta, but in all the other settlements of the colony, as also in Van Dieman's Land, which was then a dependency of New South Wales, would almost exceed belief. The list—which includes barracks for troops, stores for provisions, hospitals both general and military, houses for public offices and officers, churches, school-houses used for churches, quays, wharfs, watch-houses and police-offices—occupies ten closely printed folio pages of a Parliamentary Report, and includes not fewer than two hundred and fifty particulars.

Of these buildings and other public works, there were erected or constructed, —

GOVERNOR MACQUARIE.					143
In Sydney	-	-	-	-	67
At Parramatta	-	-	-	-	20
At Windsor	-	-	-	-	15
At Liverpool	-	-	-	-	12
At Castlereagh, Richmond, Pitt Town, and Wilberforce	-	-	-	-	11
At Emu Plains, Penrith, Springwood, and Vale of Clwyd	-	-	-	-	14
At Bathurst, Campbell Town, Cawdor, and Rooty Hill	-	-	-	-	20
At Longbottom, Liverpool Road, Pennant Hills, and Castlehill	-	-	-	-	8
At Newcastle	-	-	-	-	28
At Port Macquarie	-	-	-	-	8
Total in New South Wales					203
In Van Dieman's Land					47
General Total					250

In short, if brick and mortar could have ensured immortality, Governor Macquarie erected public buildings enough in New South Wales to render his colonial fame imperishable.

I am not prepared, however, to regard this part of Governor Macquarie's procedure with unqualified approbation. "It has been his misfortune," observes Mr. Commissioner Bigge, in his Report to the House of Commons on the state of the colony of New South Wales, towards the close of Governor Macquarie's administration, "to mistake the improvement and embellishment of the towns for proofs of the solid prosperity of the colonists, and to forget that the labour by which these objects have been procured, was a source of heavy expense to the British treasury, and that other means of employment might have been tried and resorted to; the effect of which would have been to regulate in a cheaper and less

ostentatious form, the progress of colonisation and of punishment."

Indeed, Governor Macquarie appears to have been distinguished for what the phrenologists would denominate "a remarkably full developnient of the organ of constructiveness, together with a somewhat sizeable organ of vanity." Now, in so far as the former of these propensities led His Excellency to lay down an entirely new plan for the town of Sydney, (which, previous to his arrival was a mere assemblage of paltry erections, holding a sort of intermediate place between a hut and a house, and disposed in every possible form of irregularity and confusion,) and to inspire its inhabitants with a laudable regard for external appearances, it was evidently highly beneficial to the colony; for in these respects the town of Sydney undoubtedly owes very much to Governor Macquarie. But, in so far as these propensities led His Excellency to erect numerous public buildings, of very questionable utility, or rather of no utility whatever in the actual circumstances of the colony, for the purpose apparently of transmitting his own Celtic name to succeeding generations, and thereby to keep whole hordes of convict mechanics and labourers congregated in the towns of the colony, instead of dispersing them as widely as possible, and employing them in the clearing of land and the formation of agricultural settlements all over the territory, — they occasioned an extravagant and wasteful expenditure of British money, and proved a fruitful source of colonial demoralisation.

There is doubtless some allowance to be made for Governor Macquarie's peculiar situation, in being left by the British Government to find employment as he could for the constantly increasing convict population of the colony, for whose labour there was necessarily but a very inadequate demand on the part of the free emigrant inhabitants of the territory. Referring to the circumstances of the colony and the method of distributing the convicts,

who were then comparatively few in number, at the commencement of his own administration, Governor Macquarie observes, in his letter to Earl Bathurst, as follows, viz. : —

“ On their arrival they were distributed amongst such settlers as required them, without favour or partiality, the Government only retaining such useful mechanics and proportion of labourers as were required for carrying on the public works : but the influx of male convicts for the last five years has been so great, and so very far exceeding that of former years, that the settlers had not employment for above one-eighth of the number that annually arrived in the colony, the remaining seven-eighths being left to be maintained and employed by Government. Hence it became necessary to employ this *large surplus* of men in some useful manner, so that their labour might in some degree cover the expense of their feeding and clothing.”

As there was thus comparatively little demand for convict labour for agricultural purposes on the part of private individuals, or for the opening of new settlements for the location of additional free settlers, in consequence of the almost total cessation of free emigration to the colony, Governor Macquarie was tempted to employ a large number of the convicts in the erection of public buildings of very little utility to the colony generally, in the chief towns of the territory. And it cannot be denied, that notwithstanding the good intentions of Governor Macquarie, and his sincere desire for the welfare and advancement of the colony, a large portion of the vast expenditure of British money which was thus incurred, was in reality incurred in carrying on a process of demoralisation in the colony, and in preventing the attainment of the chief end for which it was originally established — the reformation of its convict population.

Had buildings only of absolute necessity for the public service been erected at Head-Quarters, and had these buildings been of such moderate cost as befitted the circumstances of a penal settlement, the numerous emanci-

pated convicts, who obtained small grants of land on the expiration of their sentences of transportation, would have been obliged to settle on these grants, to obtain a livelihood, and would thus in all likelihood have become industrious, temperate, and frugal. But the lavish expenditure of British money in the erection of public buildings, and in the construction of other public works, in the colonial capital and the other towns of the colony, formed an irresistible attraction to the great majority of this class of persons; and they accordingly sold their land forthwith, and settled in Sydney and the other colonial towns — some as labourers or mechanics, others as petty constables; some as dealers in general, others as dealers in rum. In short, there was plenty of employment, plenty of money, and plenty of rum, to be had in Sydney in the good old times of Governor Macquarie; and who that liked the last of these articles, would, in such circumstances, think of going elsewhere in search of the other two?

There are political economists of some note in the mother country who are perpetually recommending to Government the concentration of the population of the colonies; but a short residence in New South Wales, at the period we have arrived at in the history of that colony, would have been sufficient to convince such persons of the utter inapplicability of their principle to the circumstances of a penal settlement. In fact, the concentration of an emancipated convict population, as Governor Macquarie's experiment sufficiently proves, will infallibly be a concentration of vice and villany, profligacy and misery, dissipation and ruin. In such circumstances, *Divide et impera* (separate and command), is as good a maxim in the moral, as it is generally in the political code.

The demoralising influence indirectly resulting from the gratification of Governor Macquarie's taste for public buildings, cannot be more fitly illustrated than in the plan he pursued for the erection of a General Hospital in Sydney.

Had the convicts been dispersed over the territory in the way I have suggested, an hospital of comparatively small dimensions would have been sufficient at Head-Quarters : at all events, a plain, substantial edifice was all that was wanted for such a purpose, till the expense of erecting ornamental buildings could be borne by the revenue of the colony. The colonial architect, however, having submitted to Governor Macquarie a plan of a spacious and costly edifice, consisting of a centre building and two detached wings, to be erected of cut stone, with a double verandah or covered portico completely surrounding each of the three piles of building, he determined that it should by all means be carried into effect. With this view, he made an agreement, on the part of the colonial government, with Messrs. D'Arcy Wentworth, Blaxcell, and Riley, by which these gentlemen stipulated to erect a building agreeably to the plan proposed, on condition of receiving a certain quantity of rum from the King's store, and of having the right to purchase, and to retail a certain quantity — 15,000 gallons — of ardent spirits annually, for four years. The *Rum Hospital*, as it was called at the time, was accordingly erected on these conditions ; and standing, as it does, on the summit of one of the two ridges on which the city of Sydney is built, with a valley terminating in the beautiful inlet called Sydney Cove between, it is doubtless an interesting and striking feature in the general aspect of that city, especially in approaching it from the sea.

I leave to the mere financier the task of reprobating the arrangement I have just mentioned, (which, it was universally believed at the time, was a highly gainful one to the parties concerned,) on the ground of its injustice to the community at large, as well as to those persons in particular who imported ardent spirits into the colony, and who were consequently obliged either to sell their commodity at whatever price the monopolists chose to offer them, or to keep it in bond for three or four years.

My sole concern with the transaction is to calculate its true bearings on the professed object of General Macquarie's administration—the reformation of the convict population of New South Wales; and this is by no means a work of difficulty. The wages of the artificers and labourers, and the prices of the materials employed in the erection of the hospital, were, agreeably to the usual practice of the colony at the time, paid half in money and half in *property*, i. e., in tea, sugar, ardent spirits, wine, clothing, or any other article, either of necessity or of luxury, which the employer happened to have in his store, and which was uniformly charged to the labourer at an enormous per-centage above its real value, or even above its market-price in the colony. Determined, however, that not a shilling of the money-half of the wages should ultimately find its way into any other pockets than their own, the worthy contractors erected one or more public-houses in the immediate vicinity of the place, where their numerous convict and emancipated convict mechanics and labourers received that moiety of their wages; doubtless, to induce the miserable wretches, whose inability to withstand such temptation may well be conceived, to expend the last farthing of their earnings in the purchase of their exorbitantly priced and accursed liquor. In providing, therefore, for the physical health of the colony, Governor Macquarie was actually overspreading the whole surface of its body politic, in a moral and spiritual sense, *with wounds, and bruises, and putrefying sores*, which surpassed the skill of the ablest chirurgion *to bind up*, or the efficacy of the most powerful *ointment to mollify*.

The lavish expenditure of British money in the erection of numerous public buildings of minor utility, and the extraordinary facility which was thus afforded to the emancipated convict population for indulging in every species of unhallowed dissipation, tended even to neutralize the most judicious measures which Governor Macquarie

had himself adopted for their progressive reformation. A measure, for instance, of vast importance to the colony which Governor Macquarie pursued with much greater zeal than success, was the formation of an agricultural population from the class of emancipated convicts. Adhering to the principle on which Governor Phillip had been empowered to act by the British Government, Governor Macquarie gave grants of thirty acres of land each to persons of this class on attaining their freedom. But there was this important difference between the system pursued by Governor Phillip and that of Governor Macquarie: Governor Phillip gave such grants of land only to individuals of good character, who, he had reason to believe, would settle upon the land, and make a good use of it; Governor Macquarie, on the contrary, appears to have given them indiscriminately to all: and whereas it was certainly by no means the intention of the British Government that such grants of land should in any case be given to emancipated convicts for the purpose of being sold, it is nevertheless a notorious fact, that by far the greater number of Governor Macquarie's grants of this kind were never taken possession of by the grantees, but were sold immediately, and generally for rum.

I had once occasion to inspect a chart in the Surveyor-General's office, to ascertain something relative to a grant of land belonging to a reputable Scotchman, who had unfortunately fallen into pecuniary difficulties in the colony. On glancing at the chart, I observed that the land was bounded in one direction by a whole colony of *small settlers*, or proprietors of farms of thirty or forty acres each; but in afterwards adverting to the circumstance in conversation with the landholder, and asking him what sort of a neighbourhood he had got, I was somewhat surprised to find that he had no neighbours at all in that direction, and that what seemed on the Surveyor-General's chart a number of small farms, was merely a portion of the large and undivided estate of a colonial

proprietor, who had been a merchant in Sydney during the government of Major-General Macquarie, and who had purchased in the way of his business, and in all probability for ardent spirits, a number of the Governor's *orders* for small grants of land, which, it seems, he had kept in abeyance till their united acres amounted to an extent which it was worth while for him to select in that particular locality.

All this malversation, which was not less ruinous to the individuals themselves than injurious to the community, might have been entirely obviated by a very simple arrangement. Had the Governor, for instance, merely made it a rule not to issue deeds or to give permanent possession of grants of land of this kind, until the grantees had, in each particular instance, resided upon the land for a certain period and effected certain specific improvements, an attachment to the spot would in all likelihood have been generated by residence and hard labour, ere the condition of proprietorship could have been fulfilled; and the disposition to sell would in all probability have been annihilated before the power to sell had been obtained. It was quite preposterous to imagine that the *pickpocket* would become a *farmer*, to use Governor King's expression, by merely giving him an order for thirty acres of forest land, which he could instantly exchange for ten or fifteen gallons of rum in the town of Sydney, and be no poorer than he was before. As well might we expect the leopard to change his spots or the Ethiopian his skin, as expect that under such a system those who have been accustomed to do evil should learn to do well.

During the long course of his administration, however, Governor Macquarie did succeed in settling many families of emancipated convicts on small farms in various parts of the territory; as for instance, along the banks of the Hawkesbury and Nepean rivers, and at the agricultural settlements of Campbelltown and Appin; and had

due caution been exercised in carrying out this arrangement generally—had the necessary checks been imposed on the one hand, and the means of dissipation withheld on the other—the result would doubtless have been exceedingly pleasing to the eye of philanthropy.*

Governor Macquarie's situation as the Governor of a British colony was doubtless very peculiar. On his arrival in New South Wales, he found that but only a small portion of the ten thousand inhabitants of the territory consisted of free emigrants; and from the large annual influx of convicts, and the almost total cessation of free emigration during the whole period of his government, the proportion of that class of the general population was continually decreasing. In such circumstances it was almost to be expected that Governor Macquarie should entirely misapprehend the great end which the founders of the colony originally had in view, or rather the means by which that end was to be accomplished;—that instead of endeavouring on the one hand to work out the reformation of the convicts by means of a numerous and industrious free emigrant population, and to induce the British Government on the other, as his predecessor, Captain Phillip, had done, to hold out the requisite encouragement for the settlement of such emigrants throughout the territory, he should come to consider the free emigrant population of the colony as a mere excrescence on its body politic, or rather as a positive incumbrance and dead-weight on the community—constituting no part of the Government scheme in regard to the reformation of the convicts, and likely to prove a source of annoyance and counteraction to the colonial

* I believe it to be the opinion of most of the persons in New South Wales, who have been conversant with the management of convicts, that the hope of possessing property, and of improving their condition and that of their families, affords the strongest stimulus to their industry, and the best security for their good conduct.—*Commissioner Bigge's First Report*, p. 143.

authorities. We find, accordingly, that although these may not have been the maxims which Governor Macquarie avowed, they were those, at least, that regulated his procedure.

It is allowed on all hands, that Governor Macquarie neither countenanced nor encouraged the class of free emigrant settlers, and that his procedure in this respect operated in so far as a complete check to emigration. He had been expressly enjoined in his letter of Instructions from His Majesty's Ministers, to pay particular attention to those free settlers who had exerted themselves in favour of Governor Bligh; but he entirely neglected them. In short, His Excellency's maxim was, "New South Wales is a country for the reformation of convicts; free people have no right to come to it."* He had doubtless been strongly prejudiced against the class generally by the officers of the New South Wales Corps, to whom the free settlers were of course politically obnoxious, in consequence of their adhering to the deposed Governor.

Besides, it is reported on good authority, that immediately after his arrival in the colony, Governor Macquarie was advised by Lieutenant-Colonel (afterwards General) Foveaux, who then commanded the New South Wales Corps, to bring forward, as much as possible, the emancipated convicts, or, as they were long technically styled in the colony, the "Emancipists." This advice appears to have been followed with all the promptness and decision of his energetic character; for on the 12th of January, 1810, that is, *before he had been a month in the colony*, he appointed Andrew Thomson, a Scotchman of this class, to the office of the magistracy—an appointment, for which there had been no precedent in the previous

* It has been remarked in the colony, and so often, till at last it has become proverbial, that the surest claim to the favour and confidence of Governor Macquarie was that of having once worn the badge of conviction for felony.—*Bigge's First Report*, p. 147.

history of the colony, and which can scarcely be justified on the plea of necessity. Governor Macquarie had, it seems, given some personal offence to Colonel Foveaux, and this apparently benevolent advice was the method which that officer employed of repaying the compliment; for, in reference to that advice, Colonel Foveaux is reported to have observed to his secretary, Lieutenant Finucane, "that he had now placed a blister on Governor Macquarie which he would never be able to remove."

As the case of Andrew Thomson affords an illustration of the general policy pursued by Governor Macquarie in regard to the emancipists generally, it may not be out of place to insert the following sketch of the character and history of that individual abridged from Mr. Bigge's Report to the House of Commons:—

"Andrew Thomson had been transported for setting fire to a stack, at the age of sixteen, and had served as a labourer in the stone masons' gang at Parramatta. On the expiration of his sentence he had settled as a retail shop-keeper at Windsor, where he built small vessels in which he traded to Sydney; and he had also a manufactory of salt on an island at the mouth of the Hawkesbury, where it was alleged he had been engaged in illicit distillation. He was likewise a constable and a publican; and his habits of domestic life were immoral; but through the liberal credit which he gave, and the forbearance he exercised during the period of general distress from successive floods, he had acquired great influence among the small settlers on the Hawkesbury. He died, however, soon after his appointment to the magistracy; and Governor Macquarie caused an epitaph to be inscribed on his tombstone, stating that 'it was in consequence of his character and conduct that he appointed him to be a magistrate in the colony, and that by the same act he restored him to that rank in society which he had lost.'

"On his appointment to the magisterial bench, Andrew Thomson," says Mr. Bigge, "was thenceforth admitted to the table of Governor Macquarie, and to that of the officers of the 73rd Regiment, by a change of regulation, but not of feeling, in the military body, that was no less remarkable than the change that had taken place in the sentiments of the civil chief."

Governor Macquarie was certainly of an arbitrary disposition; and his prejudices, in regard to the two classes

of the free population of the colony, may perhaps have been a little embittered by the personal opposition he sometimes experienced, in regard to his favourite measures, from some of the free emigrant colonists. It is related, at least, that a reputable individual of this class having transmitted representations against his measures to the Secretary of State, Governor Macquarie, doubtless under the influence of strong irritation, observed in reply, "that there were only two classes of individuals in New South Wales—those who had been convicted, and those who ought to have been so." If His Excellency really made so gratuitous and so illiberal a remark, the circumstance sufficiently accounts for the seemingly anomalous fact, that he sometimes selected his friends and favourites from the class of those "who ought to have been convicted:"—whether they had ever been so in reality or not, I conceive it is of little consequence to inquire.

In short, Governor Macquarie appears to have been very sceptical in regard to the existence of virtue in any class of persons in the colony; and another of the maxims, therefore, on which he seems to have acted was, that "prosperous vice ought to be encouraged and rewarded." The emancipated convict publican, who had been successful in selling rum by the gill, generally ended the matter by converting his *tap* into a *store*, and selling it by the puncheon. At his outset in the colonial world, he was in the habit of supplying the small settlers of his own class in society with ardent spirits in small quantities, in exchange for proportionably small quantities of grain; but having now written himself a merchant, he was in a fit condition to take a mortgage on the settler's farm in lieu of his annual supply of tea, sugar, slop-clothing, and rum, all of which were *booked* to him at a hundred per cent. at least above the real value of the articles; and by watching his opportunity, he was able at last to pounce upon the farm itself, like a vulture on his prey, and to hold the settler in future as a tenant-at-will on the land

which he had cleared and cultivated with the sweat of his brow, and for which he had probably not received goods in all more than equivalent in real value to a single year's rent of the farm. When wealth had in process of time been acquired by such processes as this, Governor Macquarie considered the individual in a fit condition to be restored to the place in society which he had lost, *not so much by his criminality as by his transportation*; and consequently, after a course of life still more criminal perhaps in the eye of God than the one that had issued in his sentence of banishment, and greatly more injurious to society,—the wealthy emancipist could cherish the hope of being received at Government House, and presented as a fit associate for reputable men.

It short, it was not the retiring emancipated convict in the lower walks of life that Governor Macquarie especially delighted to encourage, by endeavouring to rescue him, as his predecessor Governor Bligh was in reality deposed for doing, from the iron gripe of his oppressor: it was that prominence in society which wealth uniformly gives its possessor in New South Wales, as well as in every other country, that attracted the notice of the Governor. The circumstance of being notorious for the violation of every principle of honour and integrity was no obstacle to the attainment of His Excellency's favour. The circumstance of being notorious for a life of open and outrageous profligacy, was no impediment to employment or promotion under the government of Major-General Macquarie.

As involving a system of penal discipline and reform, Governor Macquarie's administration of the government of New South Wales was unquestionably a failure. In the disposal and employment of the convicts during his government, these great objects of the original establishment of the colony were, if not uniformly, at least too frequently, postponed for objects of far inferior importance. In this opinion I am not singular. After

enumerating the different kinds of labour in which convicts were employed on the Government establishments of the colony during Governor Macquarie's administration, Mr. Commissioner Bigge makes the following judicious observations :—

“ Such are the several kinds of labour performed by the convicts retained in the service of Government in New South Wales and Van Dieman's Land ; and as they have grown altogether out of the presumed wants of the local Governments, *little consideration has been afforded by them to the effects that they have produced, either in the shape of punishment or of reform.*”

I am also constrained, from a sovereign regard to truth, to remark, that the principle on which emancipations, tickets of leave, and other indulgences, were too frequently granted to convicts by Governor Macquarie, had a direct tendency to preclude the reformation of the convict, and to obliterate from his mind all sense of criminality. Convicts who had either brought money with them to the colony,—the fruit, perhaps, of their knavery in England—or whose wives had followed them out with their accumulated and dishonest savings, or who had originally moved in a higher sphere in society than the mere labourer—not unfrequently received tickets of leave on their arrival in Sydney, and were immediately placed in as comfortable circumstances as they had ever known in England, besides possessing facilities for making money such as they could never have anticipated in the mother country. Persons in these circumstances, moreover, had only to render some small service to the government, as in supplying horses and carts for an expedition of discovery, for conveying the Governor's baggage when travelling in the interior, or for carrying stores and provisions to some road-party, to obtain emancipation or entire freedom in the colony ; while it not unfrequently happened that others obtained similar indulgences through the recommendations of unprincipled magistrates, su-

perintendents, or overseers, to whom they had rendered private services as the price of their corrupt influence. A convict who had been transported for the second time, and who, on his arrival in Sydney, had obtained a ticket of leave, and was allowed to open a public-house at Paramatta, obtained his emancipation for merely sending a horse and cart, under the charge of *his assigned convict servant*, to assist in conveying provisions and stores to the road-parties.

Governor Macquarie's early efforts "to bring forward" the emancipists had received much and perhaps injudicious commendation from the Parliamentary Committee on Transportation in the year 1812; and, although Earl Bathurst endeavoured afterwards to put him on his guard against the evil consequences that might ensue from incautiously pushing such a principle to extremes, the circumstance appears to have not only confirmed him in his adherence to the course he was pursuing, but to have induced him to adopt every possible means of rendering it virtually imperative on all and sundry to follow his example.

That Governor Macquarie was right in the abstract, in endeavouring to restore to society individuals who had given undoubted evidence of their thorough reformation, is undeniable; but the method he employed in effecting that praiseworthy object was not less objectionable, than his selection of individual emancipists for putting his benevolent experiment to the test was peculiarly injudicious. It may be laid down as a general principle, that if an individual who has been a convict becomes thoroughly reformed, he will exhibit a retiring disposition, and court obscurity; and that, on the contrary, if a person of this class is obtrusive in his demeanour, and ready on every occasion to thrust himself on the society of those who still regard him with aversion or suspicion, there is a moral certainty of his not being reformed at all. Governor Macquarie's reformed characters were unfortunately of

the latter description ; and His Excellency having taken extraordinary pains to have them forced into society, it was not at all wonderful that a considerable majority of the reputable portion of the inhabitants of the colony should refuse to submit to his dictation in a matter so entirely beyond the province of a Governor, and that much bitterness of feeling should be the unhappy result of the ill-managed experiment.

These efforts of Governor Macquarie were particularly obnoxious to most of the officers of the Forty-sixth and Forty-eighth Regiments, as well as to certain of the civil officers and other respectable inhabitants of the colony ; and as His Excellency was unfortunately subject to the common weakness of military governors, in regarding as the enemies of his person and government all who were not disposed to make an entire surrender of their own judgments and feelings to his, the usual scenes of colonial warfare — crimination and recrimination — ensued ; and these jarrings had, in this particular instance, the unhappy effect of making the two classes, of which society was then composed in the Australian colonies, regard each other with much more unfriendly feelings than if no such injudicious attempts to unite them had ever been made.

In the month of July, 1814, Jeffery Hart Bent, Esq., an English barrister, who had been appointed judge of the then newly instituted Supreme Court of New South Wales, arrived in the colony. When about to open his Court, in the month of May, 1815, a letter was addressed to him by the Governor, transmitting certain petitions from persons of the names of Eagar, Crossley and Charters, soliciting permission to practise as solicitors and barristers in the Supreme Court, and recommending the prayer of these petitions to the favourable consideration of the judge. Eagar had been a solicitor in Dublin and had been transported for forgery ; Crossley, as I have already had occasion to mention, had been transported for perjury, and Charters was a person of the same class

and in similar circumstances. When the Court opened, the petitioners were heard in support of their petitions; and the two assessors, Mr. Broughton, the commissary, and Mr. Riley, a merchant in Sydney, and one of the fortunate contractors for the erection of the *Rum* Hospital, were in favour of conceding the boon solicited. But the judge was inexorable, pleading, in support of the view which he had taken of the case, the act 12 Geo. I. cap. 29.—an act passed for the preventing of persons who had been guilty of perjury or forgery from practising in the courts—which the judge considered as a part of the law of England, which undoubtedly extended to the colony, as being the announcement and establishment of a general principle for regulating the administration of justice, or relating to police and the prevention of crimes. The principle, he added, had been decided by the unanimous opinion of Lord Mansfield and the Twelve Judges; and he concluded his observations on the subject as follows :

“It is with considerable regret that I have to state, that the undue steps resorted to, with regard to these petitioners, have in some degree prevailed; and that gentlemen have been found, who have thought proper to differ from me on a point of pure professional feeling and practice; and to say that those persons, whom they confess it is a disgrace to admit to their tables, or to suffer any part of their families to associate with, are fit and proper persons to be admitted to the situation of Attorney in His Majesty’s Supreme Court, notwithstanding gentlemen have been sent out by the Crown for that purpose.

“I do now solemnly declare, that I will not admit as Attorneys of this Court, nor administer the oaths to persons who have been transported here as felons: it is contrary to law; and no circumstances and no necessity can exist so strong in my mind as to induce me to it.”

A long altercation ensued between the judge and the

two assessors, and the result was that the Court was adjourned by the judge *sine die*. Communications were in consequence forwarded on the subject by the Governor to Earl Bathurst, who was then Secretary of State for the Colonies, setting forth in very strong colours the evils that would ensue to the colony from the unwarrantable decision which the judge had announced, and its interference with the working of the salutary principle he had himself been endeavouring to establish for the reformation of the convict population.

Now there can be no doubt that, notwithstanding the specious allegations, and the able special pleading of Governor Macquarie, Mr. Justice Bent had announced the right principle, and done his best to establish the right practice, in the case in question: and had he only urged that principle in a firm, temperate, and dignified manner there can be no doubt that he would ultimately have carried his point. But Judge Bent was, unfortunately for himself, as well as for his principle, a weak, vain, meddling, litigious man, who had given the Governor a handle against himself in other matters of very inferior moment and unconnected with the main point at issue, and had thereby ensured his own defeat on this vital question. The result was that Earl Bathurst, in the name of the Prince Regent, recalled Mr. Bent, "considering the removal of the said Jeffery Hart Bent, Esq. from the colony as necessary to mark the sense and disapprobation which they entertain of the measure, which, so indiscreetly for the colony and himself, the said Jeffery Hart Bent, Esq. thought it necessary to adopt, and which, for so long a period, has occasioned all the serious evils of a total suspension of justice, to the manifest injury of the best interests and public credit of the colony." In reference to the other matters to which I have alluded, taken in connection with this main question, Earl Bathurst intimated at the same time to Mr. Bent, "the

high displeasure of His Royal Highness, and his positive recal by His Majesty's Government, on account of conduct which, in their opinion, could admit of no justification." This despatch was dated 11th December, 1816, and Mr. Bent left the colony in May following.

Now there can be no doubt that this was a most unwarrantable proceeding of the Imperial Government, and such as, in the present healthier state of public feeling, would be universally condemned. There can be no difference of opinion *now* as to the propriety of the course which Judge Bent adopted, in refusing to grant the prayer of the petitioners, Eagar, Crossley and Charters, or to allow convict attorneys to practise in his court: and to remove a judge for so imaginary an offence, or rather for doing what in him lay to maintain the purity and the dignity of the administration of justice, because his doing so happened to interfere with the crotchets of a strong-headed, but wrong-headed, Governor, was a monstrous proceeding. But it has always been the policy of Downing Street to support a Governor in such cases, and to sacrifice any body else.*

* The following General Order, excluding convict practitioners from all courts of justice in the colony, had been issued by the officer administering the government shortly before the arrival of Governor Macquarie. It is in singular contrast with the principle and practice of that Governor: —

"General Order published in the Sydney Gazette, 28th August, 1808.

"Lieutenant-Governor Foveaux has learned, with equal indignation and surprise, that men who have been prisoners in the colony have so far forgotten their former condition as to obtrude themselves into the courts of justice in the character of counsellors and advocates. Determined to prevent the continuance of a practice as injurious to decency as it is in fact destructive to justice, Lieutenant-Governor Foveaux feels it incumbent upon him to forbid any person from presuming to interfere with causes pending before the courts, without an especial license from him for that purpose, and to apprise those who have been convicts that a disobedience of this injunction will be punished in the most exemplary manner."

Eagar afterwards engaged in trade in Sydney as a general merchant; but finding that he had a powerful competitor in that capacity in Mr. Prosper de Mestre, an American merchant from New England, then settled in Sydney, who, through his countrymen in China, could import tea direct from that country, while English merchants could only import it from Bengal, he brought a *Qui tam* action against Mr. de Mestre, in the Supreme Court of the colony, for the penalties he had incurred as a foreigner, under an obsolete statute of 12 Car. 2. c. 18. s. 2. by trading in one of the King's colonies. If Eagar had succeeded in this action, Mr. de Mestre would have been ruined, and "a heavy blow and great discouragement" would have been experienced by the mercantile interest of the colony; but Eagar would, in so far at least, have engrossed the trade and reaped the advantage. In these circumstances Mr. de Mestre applied to the Court for time to enable him to produce the record of the plaintiff's conviction for felony, upon an affidavit, stating his belief of that fact, and stating also that the action, upon which he had a good defence upon the merits, had been brought against him from interested and invidious motives. The judge, who presided in the Supreme Court at the time, was Mr. Barron Field, afterwards Resident Judge at Gibraltar, who appears to have been as little of a Solomon or a Solon, as he was of a poet*,

* Judge Field had the folly to consider himself a sort of universal genius, and in particular a poet; and he accordingly published in the colony, and republished in England, what he called *Botany Bay Flowers*, a collection of pieces which were altogether the wretchedest doggerel I have ever seen. One of the pieces is an address to the Kangaroo, which he thus apostrophises:—

Kangaroo, kangaroo,
Spirit of Australia!

but having been born within the sound of Bow Bells, he pronounces Australia as if it ended with an *r*, and makes it rhyme with *failure*, shrewdly considering the kangaroo a failure on the part of Aus-

for he granted Mr. de Mestre's application and thereby quashed the proceeding. This decision naturally excited a prodigious ferment among the whole class of emancipists (i. e. persons who had once been convicts, but had either been pardoned, or had served out the periods of their respective sentences); as it amounted to a complete denial of justice to their whole body in all future actions at law. A public meeting of the emancipists was accordingly held in Sydney, on the 23rd of January, 1821, at which it was resolved to send a delegation to England to represent their interests and to plead their cause, under this monstrous grievance; and Mr. Eagar, and Mr. Redfern, one of Governor Macquarie's emancipist magistrates, were accordingly appointed delegates and sent home to England; but, like the dogs

tralian Nature in her awkward attempts to make a proper quadruped for that country. The following, which may not be uninteresting to the reader, is part of a colonial critique of the olden time in *ottava rima* on the *Botany Bay Flowers*, which the poet, naturally enough, had previously consigned to their proper place, the nether regions: —

The ghost of ancient Bavius stood ashamed
 When "the said" Flowers arrived from Botany Bay;
 And Mævius, by the bard of Mantua famed,
 Stormed like Hibernians on St. Patrick's day:
 And Pluto had not soon the tumult tamed,
 Had he not thrown the Judge's Flowers away.
 "These filthy Flowers," they cried, "pollute the place!
 We won't stay here, great Pluto, in disgrace."
 In Pluto's realm there ne'er was such a kick-up:
 You'll read it in his "Government Gazette."
 Even Cerberus, 'twas said, caught a vile hiccup
 From barking at th' uproar; and so beset
 With sickness was the cur, he would not lick up
 His own sweet vomit; and his three heads met
 Like Quakers at a meeting! Nay, Old Charon
 Vowed he'd ne'er ferry o'er more Flowers for Barron!

Diary of an Officer in the East.

that were sent with a petition to Jupiter for the restoration of the gift of speech, which, it is alleged, they once possessed, Eagar has never returned to the colony to report progress.

Now although it was allowed on all hands that Eagar had brought his action from unworthy motives, it cannot be denied that the way in which that action was set aside by the judge was a measure of gross injustice to the whole class of emancipists, who were at this period a comparatively numerous body in the colony, and of whom a large number were inoffensive and reputable men. To debar an individual from ever practising again as a member of an honourable profession, which he has once disgraced by being convicted of felony, is a principle that recommends itself at once to enlightened reason, and has been acted upon in all civilised countries, both ancient and modern: and to urge, as a valid plea in his favour that the individual in question has satisfied the law, in having been burnt in the hand, or pilloried, or transported, would be a monstrous impropriety. But to deny common justice in an action at law to an unoffending member of society, who has some wrong to complain of, merely because he has once been convicted of a felony, for which he has been duly punished, would be an outrage upon the common sense of mankind, and could never be tolerated for one moment either in New South Wales or any where else in the British Empire.

I should be sorry, however, to do so much injustice to the memory of Governor Macquarie, as not to record my own deliberate opinion that his errors were rather errors of the understanding than of the heart. He had evidently taken up a wrong idea of his duty in the very peculiar circumstances in which he was placed; and being a man of great decision of character on the one hand, and a stranger on the other to that acuteness of moral sense which often compensates for obtuseness of intellectual vision, he was apt to push every thing to extremes. He

encouraged and promoted marriage in those quarters in which a different and disreputable mode of life had been previously connived at; and, in externals at least, the colony assumed quite a different aspect under his vigorous and energetic management from what it had previously worn. The population was nearly trebled during his government, and trade, and the public revenue, increased in the same proportion. Towns were established in various localities, and those previously existing were greatly improved; the inhabitants being encouraged, by grants of land or other inexpensive gratuities, to erect substantial buildings. The agricultural penal settlement of Emu Plains, at the eastern base of the Blue Mountains, was formed during the government of Major-General Macquarie, and that of Port Macquarie at the mouth of the River Hastings—the latter very shortly before he left the colony in the year 1821.

The highest talents and the most extensive acquirements are uniformly found conjoined with some weakness or other, to remind us of the conditions of our mortal existence. Governor Macquarie's weakness was a rabid desire for immortality, that took a singular delight in having his name affixed to every thing that required a name in the colony; whether public buildings or remarkable localities, places, persons, or things. It was said of Greece by one of the ancient Roman poets, "There's not a stone i' the land without a name." * On my first arrival in the colony, shortly after the close of Governor Macquarie's administration, it appeared to me that a similar remark might with almost equal propriety have been made of New South Wales; with this difference, however,—that in the latter case the name for every thing was *Macquarie*. The Governor's weakness in this particular being easily discovered, the calculating colonists found it their interest to affix His Excellency's name to any thing

* *Nallum sine nomine saxum.*—JUVENAL.

he had given them in the shape of landed property, as in that case they were almost sure to obtain an extension of their grants. A worthy colonist, with whom I was sufficiently acquainted to learn the circumstance many years ago, had at one time no fewer than two farms and a son — all called Macquarie.

A propensity of this kind on the part of the ruler was likely to be a fruitful subject of ridicule with those who were dissatisfied with his measures; and the following instance of this species of colonial humour is not undeserving of preservation. The late Dr. Townson, LL.D., a gentleman of superior literary and scientific acquirements, who had published a volume of *Travels in Hungary*, and had afterwards settled in New South Wales, was on some occasion entertaining a party of visitors at his residence, a few miles beyond the settlement of Liverpool, by showing them his extensive and well-stocked garden and orchard. One of the party, observing an insect on one of the trees in the grounds, asked the doctor, who was an eminent naturalist, what its name was. The doctor replied, with the utmost gravity, "It is a species of bug that abounds in the live timber of the colony: it has not yet got a name; but I propose that it should be called *Cimex Macquarianus*, or the *Macquarie Bug*."

From the period of the unfortunate termination of the voyages of Flinders on the coasts of Australia, nothing had been done in the prosecution of maritime discovery in connection with that country till the close of the great war in 1815. In the year 1817, however, Captain King, R.N., a son of the late Governor King, being appointed by the Admiralty to survey the unexplored portions of the coast, purchased the colonial cutter *Mermaid*, of 84 tons, and sailing from Sydney in the month of September of that year reached the North-west Cape on the 1st of January 1818. From this small vessel Captain King afterwards transferred his party to the Government sur-

veying ship Bathurst; remaining on the coast for four years altogether, and returning occasionally to Port Jackson for supplies and refitment. Captain King's explorations consisted in a running survey of the east coast, for 900 miles, to Cape York; in the course of which he laid down and surveyed what is usually termed "the Inner Passage," for vessels bound to the northward through Torres Straits. Captain King acknowledges however that, in conformity to his instructions, he was precluded from making so minute a survey of this part of the coast as was necessary to determine its physical character and capabilities, several very interesting portions of it on which it, has since been ascertained that important rivers flowing eastward from the interior must disembogue, being left unexamined. Captain King also surveyed about 1100 miles of the north and north-west coasts, from Cape Wessel to Cape Villaret; discovering Port Essington on the Cobourg Peninsula, and the Alligator Rivers, flowing into Van Dieman's Gulf to the westward. He also made a running survey of the west coast, from Cape Leeuwin to Depuch Island, of about 700 miles. But it cannot be supposed that nautical surveys on so extensive a scale, and especially on such a coast as that of Australia, can be of much service either to the interests of science or to those of the colonial community; and it is any thing but creditable to the Imperial Government that such a minute survey of the east coast as is absolutely necessary to enable us to know any thing about it should not have been made long ago.

Anticipating for a little the course of events, the reader will perhaps allow me to introduce, at this period of our history, an episode of a later period, which could not well be introduced in the sequel. In the year 1849, a great public meeting of the inhabitants of Sydney, presided over by one of the most respectable merchants of the colony, now one of the members for the city of Sydney, was held in that city to remonstrate and protest against

the policy and procedure of Earl Grey, in forcing the resumption of transportation upon the colony. In the year 1850, however, it was accidentally discovered, from one of the Parliamentary Blue Books which had just reached the colony, that the Governor had, in order to neutralize the effect of that meeting and to aid and abet Earl Grey in his insane policy on the convict question, characterized the meeting in a dispatch to his Lordship as an insignificant assemblage of a few hundred people, of questionable character. The discovery of this dispatch, — betraying as it did the cause of the people, to carry a most obnoxious and impracticable measure on behalf of his patrons, — excited the utmost indignation among the opponents of transportation throughout the colony, and particularly among the citizens of Sydney, whom the Governor had styled *the mob*. Another monster meeting was accordingly held in Sydney under the presidency of the same chairman, at which His Excellency's procedure was characterized as it deserved to be, and at which a resolution was unanimously passed requesting his immediate recal.

In a remote colony, however, of which the antipopular Government have nearly half a million a year to distribute in one way or other, without the consent or concurrence of the people, with honours and offices in addition without number, there will always be plenty of expectant lick-spittles to abet the most unprincipled procedure of any Government, and to denounce the friends and advocates of the people. A handful of persons of this kind, led on by a candidate for the magistracy, in one of the remotest corners of the colony, accordingly took advantage of this favourable opportunity to express their *approbation*, forsooth, of the Governor's dispatch, and their condemnation of the citizens of Sydney. In alluding to the address of these sycophants of the remote interior, at a third great public meeting held in Sydney in the year 1850, to petition the Legislative Council against the resumption of transportation—a meeting which resulted in a petition which I was

afterwards chosen to present to the Council as one of the members for the city of Sydney, and to which there were appended upwards of 36,000 names — I had stated that the address of these gentlemen reminded me of the speech of Balaam the prophet's ass ; as it might be summed up in these expressive words to His Excellency, "Are not we thine ass?" that is, "Are not we thy property, and hast not thou a right to abuse us in thy despatches to Earl Grey, and to belabour us as it pleaseth thee?" This harmless allusion, which was remarkably well received by the great meeting, as an illustration of the thoroughly servile spirit which the Transportation System had produced in certain quarters in the Colony, was afterwards characterised with great bitterness in the Legislative Council of 1850, by Captain King, who was then a nominee member of that body, as "a profanation of Scripture!" In my reply, I complimented the honourable and gallant member on the discovery he had made, viz. that, in comparing the Address from Mudgee to the speech of Balaam's ass, I had been guilty of a profanation of Scripture; adding that, in my humble opinion, it was the greatest discovery he had ever made on the coasts of Australia, and I hoped he would not forget it in the next edition of his book. To use a nautical phrase, I never saw any person so completely "taken all aback" as the honourable and gallant member was on the occasion. He seemed as if he would have shrunk into a nut-shell if he could ; and I am quite sure he will never risk his reputation on any more discoveries of the kind.

Governor Macquarie deserves the highest praise for the zeal with which he uniformly encouraged and promoted geographical discovery in the interior of New South Wales. On his assumption of the government, the Colony consisted only of a narrow strip of land, extending about eighty miles along the coast, to the northward and southward of Port Jackson, and bounded to the westward by the Blue Mountains—a barrier which was then supposed to be

insurmountable—running parallel to the coast, about forty miles inland; and even of this narrow strip by far the larger portion was hopelessly sterile. The first attempt to cross the Blue Mountains was made in the year 1796, by Mr. Bass, the discoverer of Bass' Straits; but it proved unsuccessful, Mr. Bass's Report stating that, "after innumerable difficulties, having ascended to a great height, he could only descry another apparently impracticable ridge, with intervening woods." The next attempt, which was equally unsuccessful, was made in the year 1802, by Monsieur Barrallier, a Frenchman, then an Ensign in the New South Wales Corps. A third attempt was afterwards made by Mr. Caley, a botanist, who, although he succeeded in penetrating to a greater distance than the points reached by either of the two earlier adventurers, was obliged at last to give up the attempt, after erecting a heap of stones at a spot which Governor Macquarie afterwards called *Caley's Repulse*, and which he considered the *ne plus ultra* of Australian discovery to the westward. The place was pointed out to me by a respectable settler of the Bathurst district on crossing the mountains for the first time in the year 1826. It is certainly a most remarkable locality; nothing being visible in any direction but immense masses of weather-beaten sandstone rock towering over each other in all the sublimity of desolation; while a deep chasm, intersecting a lofty ridge covered with blasted trees, seems to present an insurmountable barrier to all further progress.

The inundations of the Hawkesbury, to which I have repeatedly referred, having been succeeded, in the usual course of the seasons of New South Wales, by a serious drought in the year 1813, it had become indispensably necessary to find an outlet for the rapidly increasing stock of the Colony, which amounted at that time to 65,121 sheep, 21,543 horned cattle, and 1891 horses. Three enterprising colonists, whose names deserve to be honourably mentioned — Gregory Blaxland, Esq., W. C. Went-

worth, Esq., now one of the members of the Legislative Council for the city of Sydney, and the late William Lawson, Esq., formerly of the New South Wales Corps, — accordingly determined in that year to make a fourth attempt to cross the mountains, in search of an open pastoral country to the westward. With this view they ascended the mountain ridge that abuts upon Emu Plains on the banks of the Nepean River, and separates the valley of the Grose from that of the Warragumby; and, following that ridge in all its numerous windings, they at length, after encountering and surmounting great difficulties and hardships, reached its termination at Mount York, twenty-five miles due west of Emu Plains, where they looked down upon a grassy well-watered valley, now called the Vale of Clwyd, stretching far to the westward. On their return to Sydney, the Governor despatched Mr. George William Evans, deputy Surveyor of lands, to follow up this important discovery, and to explore the unknown country to the westward. The result of this expedition was the discovery of the beautiful tract of country called Bathurst Plains, as well as of two large rivers, the Macquarie and the Lachlan; the former pursuing a northwesterly, and the latter a southwesterly, course into the unknown interior.

In the year 1817, John Oxley, Esq., Surveyor General of the Colony, was directed by the Governor to explore the Lachlan River, which he accordingly traced down for upwards of 400 miles, chiefly through an inhospitable country, in which it did not receive a single tributary, to $144\frac{1}{2}^{\circ}$ east longitude, where it terminated in extensive morasses, at an elevation of not more than 250 feet above the level of the sea. In returning, however, due north from the right bank of the Lachlan River, Mr. Oxley crossed a fine tract of pastoral country, now called Wellington Valley, about a hundred miles to the westward of Bathurst, and at length reached the Macquarie River,

which was silently pursuing its northwesterly course to its unknown termination.

During the following year, Mr. Oxley made a similar exploratory voyage down the Macquarie, which at length carried him beyond the region of hills to a country presenting a dead level, where the river eluded all further pursuit by spreading itself far and wide over the country, and forming what Mr. Oxley supposed the commencement of an inland sea. From this point Mr. Oxley struck across the intervening country towards the coast, crossing Liverpool Plains and New England, the latter a hilly, picturesque, well-watered country, at a great elevation above the sea level, and at length discovering the Hastings River, which rises in New England, and disembogues at Port Macquarie, in latitude $31\frac{1}{2}^{\circ}$ south. From thence the Expedition returned to Sydney along the coast, discovering and crossing the Manning River, in lat. 32° on the way.

In the meantime Mr. Hamilton Hume, a native of the Colony, now a magistrate of the territory, and the late T. Throsby, Esq., a colonial surgeon, and afterwards an extensive proprietor of land and stock, had forced a passage through what had long been considered an impracticable country to the southwestward, and discovered the valuable agricultural and pastoral country in that direction now called Argyle, including Lake Bathurst and Lake George. And in the year 1819, this new discovery had been pushed as far as the banks of the Murrumbidgee River, a large and rapid stream, which was left pursuing its solitary and mysterious course to the southwestward.

By these important discoveries, the area of the Colony was increased to perhaps twenty times its former extent; and new sources of wealth, of incalculable amount, were thrown open to the industry and enterprise of its inhabitants.

One can scarcely help sympathising, indeed, with the gallant old Governor, in the feeling of honest pride with which he seems to have been actuated, when he penned the

following passages of his *Report to Earl Bathurst, of date, London, 27th July, 1822*. They constitute a strong defence against the allegations of his accusers, and their truth is undeniable.

“I found the colony barely emerging from infantile imbecility, and suffering from various privations and disabilities; the country impenetrable beyond forty miles from Sydney; agriculture in a yet languishing state; commerce in its early dawn; revenue unknown; threatened with famine; distracted by faction; the public buildings in a state of dilapidation and mouldering to decay; the few roads and bridges formerly constructed rendered almost impassable: the population in general depressed by poverty; no public credit nor private confidence; the morals of the great mass of the population in the lowest state of debasement, and religious worship almost totally neglected.

“Part of those evils may perhaps be ascribed to the mutiny of the 102d Regiment; the arrest of Governor Bligh; and the distress occasioned to the settlers by the then recent floods of the Hawkesbury and Nepean Rivers, from whose banks chiefly the colony was at that time supplied with wheat.

“Such was the state of New South Wales when I took charge of its administration on the 1st of January, 1810. I left it in February last, reaping incalculable advantages from my extensive and important discoveries in all directions, including the supposed insurmountable barrier called the Blue Mountains, to the westward of which are situated the fertile plains of Bathurst; and, in all respects, enjoying a state of private comfort and public prosperity, which I trust will at least equal the expectation of His Majesty’s Government. This change may indeed be ascribed in part to the natural operation of time and events on individual enterprise: how far it may be attributed to measures originating with myself, as hereinafter detailed, and my zeal and judgment in giving effect to my instructions, I humbly submit to His Majesty and his Ministers.

“Statement of Population, &c. in March, 1810, on the first general Muster and Survey after my arrival in the colony:

Population, including the 73rd and 102nd Regiments	-	11,590
Horned cattle	- - - - -	12,442
Sheep	- - - - -	25,888
Hogs	- - - - -	9,544
Horses	- - - - -	1,134
Acres of land cleared and in tillage under various crops	-	7,615

“And in October, 1821, on the last general Muster and Survey before my departure :

Population, including the military	-	-	-	38,778*
Horned cattle	-	-	-	102,939
Sheep	-	-	-	290,158
Hogs	-	-	-	33,906
Horses	-	-	-	4,564
Acres of land cleared and in tillage under various crops	-	-	-	32,267

“On my taking the command of the colony in the year 1810, the amount of Port Duties collected did not exceed 8000*l.* per annum, and there were only 50*l.* or 60*l.* of a balance in the treasurer’s hands; but now duties are collected at Port Jackson to the amount of from 28,000*l.* to 30,000*l.* per annum. In addition to this annual colonial revenue, there are port duties collected at Hobart Town, and George Town in Van Dieman’s Land, to the amount of between 8000*l.* and 10,000*l.* per annum.

And in alluding, as he does, to those misrepresentations to which he had been subjected, from his efforts to elevate in the scale of society the convict population of the Colony, he adds, with a feeling of evident bitterness:—

“Even my work of charity, and, as it appeared to me, sound policy, in endeavouring to restore emancipated and reformed convicts to a level with their fellow subjects, —a work which, considered either in a religious or a political point of view, I shall ever value as the most meritorious part of my administration — has not escaped their animadversion.”

After a long and laborious administration of nearly twelve years, Major General Macquarie was succeeded in the government of New South Wales, on the first of December, 1821, by Major-General Sir Thomas Brisbane, K.C.B. He returned to his native land immediately after, and died, much and justly regretted by a large proportion of the colonists, in the year 1824.

* This includes the population of Van Dieman’s Land, which was then a part of New South Wales.

CHAPTER VI.

ACCOUNT OF THE STATE AND PROGRESS OF THE COLONY
UNDER THE GOVERNMENT OF MAJOR-GENERAL SIR
THOMAS BRISBANE, K.C.B.

“Tanta benignitate præditus erat, ut neminem unquam a se, nisi hilarem ac spe plenum, discedere pateretur; omnia enim benigne pollicebatur, neque quicquam unquam petenti denegabat: promissa autem reposcentibus solitus erat respondere, *Non memineram me alteri promisisse.*”—*Vita Papæ Leonis X.*, ab incerto auctore rescripta.

To borrow the language of Geology, we have been contemplating the *primary* formation of the colony of New South Wales, in the character and works of its first four naval Governors. We have also been contemplating its *secondary* formation, which, like its own Sandstone cliffs and Rocky mountains, stands out in such bold relief in the administration of Governor Macquarie. We are now to pass under our review the *transition* series of Governors, under whom the colony has been rapidly emerging from the abject condition of a mere penal settlement into that of a community of freemen—to become, at no distant period, the nucleus and the metropolitan State of one of the mightiest empires on the face of the earth. The history of the first manifestations and movements of social and political life in such a country cannot but be interesting in the highest degree to the millions of its future inhabitants, however coldly it may be regarded by the rest of mankind; and the writer is therefore confident that these short and simple annals will accordingly be perused with intensest interest by myriads of the future inhabitants of his adopted country, when the hand that now records them shall be stiff and motionless in the grave.

Major-General Sir Thomas Brisbane, K.C.B., was the

sixth Governor of New South Wales, and entered on the government of the colony on the first of December, 1821. Sprung from an ancient family of high standing in the west of Scotland, of approved valour and ability as a general officer in the army, and distinguished among military men and men of rank by the fame of his scientific acquirements in the department of astronomy, the appointment of Sir Thomas Brisbane to the government of New South Wales was universally regarded as a circumstance of the happiest omen for the colony; and sanguine anticipations were formed of its rapid progress and general advancement under his administration.

In these anticipations, I confess, I fully participated; and as my forefathers had resided considerably upwards of a century on a small property which had originally formed part of the Brisbane estate, and which they sold at last to emigrate to New South Wales, it was natural that I should look forward with the fondest anticipations to the benefits which I expected would accrue to my adopted country from the government of Sir Thomas Brisbane, and that I should have esteemed it the highest pleasure to have been the recorder of his fame. I am reluctantly compelled to acknowledge, that these anticipations were but indifferently realized.

Sir Thomas Brisbane was a man (to use the language of the world) of the very best intentions. If good wishes, or even liberal promises, could have been of any avail to individuals who required his assistance as the Governor of a British colony, he was not the man to withhold them; but being constitutionally disinclined to business, he was at the same time singularly deficient of that energy of mind which was requisite to carry his purposes into action; and the consequence was, that, though possessing for a considerable period the delegated powers of royalty, his good intentions were seldom realized, and his promises too frequently forgotten. It happened, therefore, as a matter of course, that, while overflowing with the

milk of human kindness in his intercourse with all, he attached few, if any, to his person and government, and unhappily converted into his bitterest enemies those who would otherwise have been his warmest friends. In short, Sir Thomas Brisbane presents an instance of that singular assemblage of apparently inconsistent qualities of mind which we are so frequently called to witness in actual combination in the anomalous history of man. Brave even to heroism on the field of battle, and possessing a keen discernment in the field of telescopic vision, he was nevertheless destitute of that decision of character which is indispensably necessary to ensure pre-eminence in the field of the world; and which, moreover, in so far as my own experience and observation extend, constitutes the rarest, as it is perhaps the noblest, attribute of humanity.

As Sir Thomas Brisbane had but little inclination for business, the government of the colony was entrusted, in great measure, for a considerable period after his arrival in the colony, to irresponsible inferiors, some of whom were as remarkable for their want of integrity as others for their incapacity: and the necessary consequence was, that while the general advancement of the colony was but indifferently studied, arbitrary acts — acts of injustice and oppression — were sometimes done, in His Excellency's name and under his authority, which his own better feelings and better judgment would in other circumstances have disallowed.

It was in these circumstances that a despicable system of espionage, which prevailed in the colony to a certain extent up to the period of the arrival of Sir Richard Bourke, and under which no honest man was safe for a moment, was introduced and encouraged; for although Sir Thomas Brisbane would, in as far as he was personally concerned, have held such an instrument of government in perfect abhorrence, those who from time to time administered the government in his name had each his

peculiar antipathies and predilections, which were diligently fostered by certain *listen-and-tell-all* aspirants for the honour and emoluments of informer-general of the colony : and, in a colony like New South Wales, abounding in needy adventurers, not less bankrupt in character than in fortune, the voluntary and undefinable duties of an office of this kind were likely to be sedulously discharged.

The government of Sir Thomas Brisbane will always be memorable in the annals of New South Wales as the era of free emigration. A few respectable families of the class of free emigrants had from time to time arrived in the colony, under the patronage of Government, during the administration of the preceding governors — a free passage being given them by the Government, and a grant of land on their arrival in the territory, with rations for their families and servants for a certain period afterwards from the King's stores. This system was discontinued, however, about the year 1818; Mr. Michael Henderson, a respectable free emigrant from the south of Scotland, who arrived in the colony during that year, and who resided for many years thereafter on the river Hunter, and William Howe, Esq., J. P. of Glenlee, also from the south of Scotland, who arrived with his family during the same year, having been the first free emigrants who paid their own passage to New South Wales.

Towards the close of Governor Macquarie's administration, the capabilities of the colony became somewhat better known than they had previously been in the mother country, and the tide of emigration consequently began to set in towards its shores on the arrival of Sir Thomas Brisbane, and continued to flow with a steadily increasing volume during the whole period of his government. The great distance of the colony, however, from the mother country, and the consequent expense of the passage-out, almost entirely precluded that humbler class of emigrants, which abounds in the British colonies of North America,

from emigrating to New South Wales; and, as it was chiefly persons who possessed the means of affording employment to the convicts that the Government wished to emigrate to that colony, grants of land in its territory, duly proportioned to the amount of their real and available capital, were held out by the Home Government to those only who could produce satisfactory certificates of their possessing a capital of at least £500. From these circumstances, the numerous free emigrants who arrived in New South Wales during the Government of Sir Thomas Brisbane were generally of a higher standing in society than the generality of the free emigrants who have settled in the British provinces of North America: some of them had been gentlemen-farmers, others were the sons of respectable landholders in the mother country; some of them had been unfortunate in mercantile speculations, and others had just saved the remains of a property which they found daily diminishing at home, to form the nucleus of a better fortune abroad; some were actuated by the spirit of adventure, while others had been impelled to emigrate by the pressure of the times.

These emigrants, according as each preferred a particular locality, settled, for the most part, either in the agricultural and pastoral country adjoining the Cow-pastures, or on the open plains of Bathurst, beyond the Blue Mountains; along the thickly-wooded alluvial banks of the Hunter and its two tributary rivers, or in what was then called the *New Country*, or the district of Argyle. The general extent of their grants was from five hundred to two thousand acres. Rations from the King's stores were at first allowed to each settler, and to a certain number of convict servants proportioned to the extent of his grant, for the term of six months after he had taken possession of his land; and he was also allowed a certain number of cattle from the Government herds, as a loan to be repaid in kind in seven years: but, in consequence

of the number of emigrants rapidly increasing, these indulgences were afterwards discontinued.

The advantages resulting to the colony on the one hand, and to the Government on the other, from this influx of respectable free emigrants, during the administration of Sir Thomas Brisbane, cannot be better illustrated, than by contrasting the state of things in regard to the prison population at the close of Governor Macquarie's administration, when the tide of emigration was just beginning to flow to the colony, with its state shortly after the commencement of General Darling's, when it had been flowing steadily for several successive years.

I have already shown how Governor Macquarie's endeavours to transform the emancipated convicts into an agricultural population generally failed of success. In fact, agriculture was a sort of employment to which the great majority of the convicts were decidedly averse; and the first use which they usually made of their freedom, on the expiration of their respective sentences, was to betake themselves to the towns. From this cause the agricultural population of the colony was for a long period quite inadequate to supply the community with the means of subsistence; insomuch that, so late as twenty-five years after its first establishment, recourse had repeatedly to be had to India for grain at a prodigious expense to the Government. But as convicts continued to be poured into the territory every year, and as employment could not possibly be found for them all in the towns, Governor Macquarie was tempted to form agricultural and penal settlements in various parts of the territory, — as, for instance, at Emu Plains, on the alluvial banks of the Nepean River, and at Newcastle, at the mouth of the river Hunter — where numerous convicts were employed, on account of Government, in felling timber, and in the processes of agriculture. Land was accordingly cleared to a considerable extent, and buildings erected in these

localities at a vast expense to the British Government. But when the rapid progress of the colony, from the influx of free emigrants during the government of Sir Thomas Brisbane, had rendered these establishments quite unnecessary, in the way of securing employment for the convicts, it was found that the value of the land in their immediate vicinity had been but little increased by all the labour that had been expended upon it, while the buildings were of no value at all, and were suffered, for the most part, to go to ruin.

But notwithstanding the great number of convicts that were employed at these expensive Government establishments towards the close of Governor Macquarie's administration, convict labour was so complete a drug in the colony, on the arrival of Sir Thomas Brisbane, and the Colonial Executive was so utterly unable to find suitable employment for the constantly increasing number on their hands, that any respectable person who pledged himself to the Government to employ and to maintain twenty convict servants, could immediately, and without any other recommendation whatever, obtain a grant of two thousand acres of land, or one hundred acres for each convict servant. My late father, Mr. W. Lang, arrived in the colony as a free settler in the month of January, 1824, having an order for a grant of land from Earl Bathurst. On presenting the order at the Colonial Secretary's Office, he merely pledged himself to employ twenty convict servants, and accordingly obtained a grant of two thousand acres; but in the year 1823, my younger brother, who had had no order from the Home Government, but merely offered to maintain ten servants, on applying for a grant of land, obtained a grant of one thousand acres; while other young men of the same standing and in the same employment, but a little more politic, by merely pledging themselves to maintain double the number of convicts, obtained double the quantity of land.

It was soon found, however, that, in consequence of the

continued influx of free settlers, the Colonial Government had by no means so large a number of convict labourers to dispose of, in proportion to the free emigrant inhabitants of the colony, as had been anticipated, and were consequently so far from either requiring or compelling the grantees to fulfil their engagements by maintaining the number of convicts they had respectively pledged themselves to employ, that they were even unable to supply them with the number they actually applied for. One Government farm was therefore wisely abandoned, and one Penal settlement broken up after another; and the numerous convicts were distributed forthwith among the free settlers, who of course had comparatively little difficulty in devising ways and means of employing them advantageously in the cultivation and improvement of their respective farms. And so steadily did the demand for convict labour increase on the part of the free settlers, that during the government of Lieutenant-General Darling there were at one time applications for no fewer than two thousand convict labourers lying unsatisfied in the office of the principal superintendent of convicts.

I am, therefore, decidedly of opinion that Governor Macquarie's procedure in discouraging free emigration to New South Wales was impolitic and preposterous in the extreme; and I am equally confident, that if the British Government had steadily followed up the prudent suggestions of Governor Phillip, by encouraging the emigration of free persons of reputable character in the earlier times of the colony, and by doing every thing that was requisite to promote their comfortable settlement throughout the territory, not only would the colony have raised sufficient grain for its own consumption at a much earlier period than it actually did, and thereby saved the enormous expense incurred by the frequent importations from India and Batavia, but flourishing agricultural settlements would have been gradually formed with the utmost

facility, and at little or no expense to Government, all over the territory ; while the highly important process of converting the prison population into an agricultural population would have gone on progressively and successfully ; and the British Government would have been saved the enormous expenditure incurred on the Government and experimental farms of the colony—an expenditure which has proved of as little real benefit to the country as if the money had been thrown at once into the Pacific Ocean.

But, independently of these considerations, the long-continued neglect of the highly judicious recommendation of Governor Phillip, and the impolitic procedure of Governor Macquarie, gave rise to a most anomalous feature in the political constitution of New South Wales, which was long a fruitful source of perplexity to the Governors, and of disunion in the colony :—I allude to the rise and influence of the Emancipist body as a separate class in the community. Had a system of free emigration been duly encouraged and steadily pursued from the first settlement of the colony, it would have been impossible for the class of emancipated convicts to have acquired any thing like political preponderance in the country. They would have been subject to no political disabilities, as compared with the free emigrants ; they would have *bought and sold, and got gain* as freely as others ; and individuals of their number would ever and anon have been regaining, by the sheer force of their meritorious conduct, the place in society from which they had fallen, and the estimation they had lost. But their existence as a separate and prominent class in the colony,—a class on which political demagogues might successfully practise, on whose universal suffrage they might count at all times, and on whose shoulders they might raise themselves to colonial distinction—would never have been dreamt of. The reader will doubtless perceive that such a state of things would have been much

more favourable than the one which actually prevailed, for the peace and good government and general advancement of the colony; nay, much more conducive to the ultimate reformation of its convict, and emancipated convict, population.

In Great Britain and the other States of Europe, the regulations of Government respecting the currency and the provisioning of the Forces can only have a very distant and indirect bearing on the general prosperity of the country, and can have no perceptible influence on the national morality: in the small community of New South Wales, however, the case was so very different during the administration of Sir Thomas Brisbane, that two injudicious measures of the Local Government, relative to the currency and the supply of the King's Stores had a most unfavourable bearing on the general advancement of the colony, and on one of the grand objects of its original settlement — the reformation of the convict population.

Previous to the period I allude to, the King's stores had generally been open to the small settlers for the reception of wheat at the rate of seven shillings and sixpence or ten shillings a bushel, and all business in the way of sale or purchase had been transacted in sterling money. During the prevalence of this system, the small settlers, or emancipated convicts, whom Governor Macquarie had succeeded in settling in various parts of the territory on farms of thirty, forty, fifty, or a hundred acres each, were in the habit of purchasing their supplies of tea, sugar, clothing, rum, &c., from the Sydney merchants, and paying for them with the receipts they got from the Commissariat officer in charge of the King's stores for wheat supplied to Government at the usual rate. And it is not to be wondered at, that many persons of this class, who had originally commenced their agricultural operations in a state of absolute poverty, and were only beginning to acquire those habits of economy which

are usually found among the agricultural classes in other countries, should in such circumstances be indebted for the most part to these merchants, or should generally have received the value of their harvest before that harvest was reaped. In fact, nine-tenths of the small settlers were in debt at the time I allude to; and they had nothing but their crops, and the continuance of the system I have mentioned, to look to for the payment of their creditors.

In such circumstances, any sudden or violent interference with the currency of the country, or with the mode so long adopted for the supply of the King's stores, must necessarily have been fraught with ruin and desolation and moral debasement to the lower classes of the colony. Sir Thomas Brisbane was induced, however, at the recommendation of W. Wemyss, Esq., Deputy Commissary-General, and of Major Goulburn, Colonial Secretary, suddenly to change the circulating medium from sterling to a colonial currency, on the plea of effecting a great saving to the British Government by establishing a high premium on Treasury Bills; and the immediate effect of the measure was to raise the pound sterling twenty-five per cent. above the pound currency. Besides, as Mr. Commissioner Bigge, who had been appointed to examine into the state of the colony during the government of Major-General Macquarie, had recommended to Government to adopt the system of tenders instead of the one then in use in the colony, for the supply of the King's stores, but had also recommended the propriety of receiving into the stores as much superfluous grain as possible, that there might always be a supply in the event of drought or inundation, the rulers of the colony at the period in question adopted the one part of his advice, but neglected the other — apprising the public that in future all the supplies required for the Government should be furnished by *tender*; but that no grain, &c., should be received

at any one time beyond the quantity required for the next ensuing quarter.

I arrived in the colony in the month of May, 1823, just in time to witness the impolicy of these measures, in the utter disappointment of their authors in regard to the contemplated saving to Government, as well as their lamentable and demoralizing effect on the lower classes of the colonial population. The harvest of that year was scanty, but withal sufficient for the colony if it had been duly husbanded: but in consequence of the operation of the *tender* system, the limited quantity of grain which it was known would be received by Government, and the eagerness of the small settlers to get their harvest disposed of to answer the pressing demands of their creditors, and to procure additional supplies, wheat, which had generally been sold before at from 7s. 6d. to 10s. sterling, was offered to Government at 3s. 9d. currency a bushel. This remarkable circumstance naturally deluded the colonists into the belief that the country was overflowing with grain, and a great quantity was consequently wasted, as is usually the case in such circumstances; and much was even given to their swine by those of the settlers who were not compelled to sell, and who had more grain than they required for their own consumption. The result was, that as the season advanced, the mistake was discovered when it was too late to rectify it, and when the colony began to be threatened with famine. Wheat rose to £1 4s. a bushel in the course of the season; and as no body had any to tender to the Government, the latter were obliged to adopt whatever ways and means they could devise to procure it. One of these had a very singular issue. A vessel was chartered by Government, on the recommendation of the officer in charge of the commissariat, and sent to Batavia for rice, wheat, &c. On her arrival in Sydney harbour, some of the colonial merchants, jealous of the interference of Government with their peculiar depart-

ment as traders and importers for the colony, gave information against the vessel to the captain of a ship of war then lying in the harbour, who seized her in open defiance of the Colonial Government, and carried her off as a prize with all her cargo to India, on the ground of her alleged violation of the East India Company's charter in carrying tea, of which she had a small quantity on board for some of the Government officers, without a license.

This, however, was not the worst effect of the measure in question. The debts of the small settlers had all been contracted in sterling, and the price they received for their wheat, which was sold at the low rate I have already mentioned, was in currency: they were therefore totally unable to meet the demands of their rapacious creditors, and their farms were consequently seized and sold, frequently at one-fourth of their value. A magistrate of the territory pointed out to me a small but very valuable farm in the vicinity of his own estate in the year 1826, which at the time I allude to had belonged to an emancipated convict settler, who had reared a large family on the land, and who bore a fair character in the neighbourhood as an industrious man. At the time in question the settler owed a merchant in Sydney, for goods which had been supplied to him on credit, at from fifty to one hundred per cent. above the price for which the same description of goods could have been purchased for ready money, about £140. It was understood when the debt was contracted that it should be discharged immediately after the harvest of 1823; but the injudicious changes, which the Government had so violently and inconsiderately effected in the currency of the country and the mode of supplying the King's stores, rendered the fulfilment of that agreement, on the part of the settler, utterly impracticable. The creditor, however, was urgent in his demands; and the poor man, having no alternative, transferred to him all his own right and title to the farm for the discharge of a debt

which a single harvest would in happier circumstances have enabled him to cancel. At the time the farm was pointed out to me, in the beginning of the year 1826, it was let to its former proprietor for £70 per annum; but the unfortunate man had been reduced in the mean time from the respectable standing of an independent landholder to the rank of a day-labourer or a tenant-at-will. In this very discreditable manner, large estates were acquired on the one hand by those who were unfeeling enough to take advantage of the times; and numerous families, that had been slowly but gradually acquiring habits of industry and economy, became reckless and debased on the other, in proportion as they saw ruin staring them in the face. In short, at the period I allude to, the colony was evidently in that sickly state, in regard to the general character of the lower orders of its free population, which peculiarly called for the delicate treatment of an able and judicious physician. Unfortunately, however, it seemed to have fallen into the hands of mere quacks, who drenched it with horse-medicines, of such strength and in such quantity, that the patient almost expired in their hands.

Whether the measure adopted by Sir Thomas Brisbane, in changing the circulating medium from sterling to currency, was a good measure or not in a financial point of view, I do not pretend to determine; but as it was disapproved of by the Home Government, and as the system previously in operation was restored by orders from home under the government of his successor, I presume it was not. All I contend for is, that in the peculiar circumstances of the colony, its sudden adoption was injudicious in the highest degree, inasmuch as it was fraught with ruin and moral debasement to a very considerable portion of its emancipated convict population.

Neither do I presume to question the propriety of the change that was effected by the Local Government, in the system of purchasing grain from the colonists for the

supply of the King's stores : the extension of the colony had rendered that change expedient, and the system recommended by Mr. Bigge was afterwards in general and beneficial operation. All I contend for is, that the violence with which that change was effected by Sir Thomas Brisbane was fraught with ruin and moral degradation to many otherwise hopeful families throughout the territory.

From what I have stated relative to the principles and acts of Sir Thomas Brisbane's administration, it followed as a necessary consequence that his government was exceedingly unpopular. He was universally spoken against; and he was written against, I believe, by individuals who had the meanness to commend his measures in his own presence, and who had afterwards but slight reason to congratulate themselves on the change that ensued. He was accordingly relieved by orders from home; and he left the colony in displeasure, previous to the arrival of his successor, on the 1st of December, 1825, at the close of the fourth year of his government.

Before his departure, however, he was fortunate enough, in the estimation of certain of the colonists, to cover a multitude of his political errors, and to acquire a lasting accession to his colonial fame. In direct opposition to the maxims of Governor Macquarie's administration, Sir Thomas Brisbane had, for nearly four years, uniformly looked askance at the whole body of the emancipists; but, just before he left the colony, it was understood that he would accept of an invitation to dine with the *élite* of that body; and he was accordingly invited, and dined with them accordingly. Holding as I do, that it was influential individuals among the originally free population of New South Wales who were all along the most unmindful of their duty, and the most blameworthy of the inhabitants of the colony, it will not be supposed that I would visit Sir Thomas Brisbane with censure for any act of his government, the obvious tendency of which was to conciliate and encourage deserving individuals

of the class of emancipists. Still, however, as the act in question was virtually an act of censure passed by himself on the whole tenor of his previous administration, it was rather unfortunate that there was also some reason to regard it as a mere *ruse de guerre* to attain popularity, when it was no longer attainable in a less equivocal way. I am happy to be enabled to testify, that, during my own residence in the colony, I have found many individuals of the class of emancipists who had really returned to those paths of virtue from which they had unhappily swerved in earlier life, had become exemplary husbands and exemplary wives, and reared highly interesting and promising children. Such individuals deserve every encouragement; and it was the duty of every Governor, and of every respectable inhabitant of the colony, to conciliate and encourage them to the utmost of their power. At the same time it cannot be denied that individuals of this character did not constitute the majority of those who either could or would invite the Governor to dinner.

Besides, there was a moral significancy in this act of the Governor's, which rendered it of far more importance in a moral and political light than he was perhaps aware. The rapid progress of the colony, during the twenty-five years that have elapsed since the close of Sir Thomas Brisbane's administration, has enabled many reputable individuals of the class of emancipists to acquire considerable property in the colony, in a fair and creditable and unexceptionable way; but the great majority of those of that class who had acquired wealth at the period in question, had done so by the sale of rum and the practice of enormous extortion, by grinding the faces of their poorer brethren, and by getting possession of their property through oppressive and iniquitous law-suits. In such circumstances, it was the bounden duty of Sir Thomas Brisbane to consider beforehand, whether an act of his, in his capacity of Governor, which should pro-

claim to the world that individuals who had become wealthy by such processes as these were nevertheless reputable men, and fit associates for the representative of the sovereign, would not be tantamount to an authoritative lowering of the standard of morals throughout the territory.

I happened to be absent on a voyage to England during the last fifteen months of Sir Thomas Brisbane's administration; but on returning to the colony, a few weeks after he had sailed for England, I was incidentally shown* a copy of a document which had just been forwarded for the inspection of Earl Bathurst, who was then principal Secretary of State for the Colonies, by certain of the leaders of the Pure Merino or Exclusionist party, as a set-off against the Addresses which the Governor had received from the Emancipists and their friends on leaving the colony. It was what the French would call a *Catalogue Raisonné* of the Emancipists whom His Excellency had honoured with his presence at the public dinner; and it not only described their rise and progress in the colony, but raked up the ashes of crimes committed in England, of which the memory was probably supposed to have been long buried in oblivion. I could not help regarding with a strong feeling of reprobation the superlatively evil spirit which this precious document evinced, while at the same time I could not help admiring the consummate artifice with which it was concocted. It accompanied a petition to Earl Bathurst, thanking his Lordship for granting the colony a Legislative Council, and praying for the appointment of a few additional nominee members to that body, which, it was doubtless presumed, would consist exclusively of thorough-bred exclusionists — men whose information was generally as limited in regard to the real interests of the colony as their views were selfish and illiberal. Such a petition, with such an accompani-

* By the late John Macarthur, Esq.

ment, could not fail to be well received at Head Quarters in the year 1826; and the more general petition for the extension of free institutions to the colony, which had been got up chiefly by the Emancipists and their friends, and which Sir Thomas Brisbane had engaged to recommend, was consequently treated with derision.

General Darling is well known 'to have kept himself at a great distance from the whole body of the Emancipists during the entire course of his government, and to have strongly discouraged every effort on the part of the colonists to obtain the concession of free institutions. How far he acted in these respects agreeably to instructions from home, I am not prepared to say; but as he was doubtless favoured with a copy of the document I have just described on his arrival in the colony, there is reason to believe that his throwing himself at once into the hands of the Pure Merinoes or Exclusionists, and thereby adopting a line of policy the very reverse of the one of which his predecessor had just left him an example, arose in great measure from an indistinct apprehension that he should otherwise have incurred the ridicule of wise and honourable men. A man who both knew his duty and could fearlessly perform it, whatever the world chose to think or say of him, would doubtless have been superior to such considerations; but General Darling's well-known feverish sensitiveness in regard to the public press, clearly shows that he was subject to influences of this kind in no ordinary degree.

But there was a worse feature in this concluding act of Sir Thomas Brisbane's administration than any I have yet noticed. Shortly before his departure, he had been invited to a parting dinner by a deputation from the respectable free emigrant inhabitants of the colony: and of this invitation he at once expressed his entire willingness to accept, *provided that certain of the leading emancipists should also be invited.* The deputation, however, having no previous authority to accept any such con-

ditions, requested permission to consult their constituents on the subject; and the result of that consultation was, that the honour of Sir Thomas Brisbane's presence should, on such conditions, be respectfully declined. A public dinner is the usual recipe of all unskilful speculators on the chemical affinities of different classes of men; and Sir Thomas Brisbane was doubtless induced, as Governor Macquarie had been before him, to believe that by that notable expedient he could unite together in one beautiful harmonious whole the heterogeneous and discordant materials of which Australian society was then composed. But in assuming a right to dictate to reputable men as to who should be invited to their company or society, Sir Thomas Brisbane was carrying his viceregal prerogative a step farther than even Governor Macquarie had done, and was making effectual provision for the perpetuation and exasperation of those evil feelings which he was vainly professing to allay.

Governor Macquarie had not only invited to his table individuals of the class of Emancipists, on certain public occasions, when the officers of the Regiments then stationed in the colony, to whom these individuals were peculiarly obnoxious, were bound to be present, but had even got them privately invited by the commanding officer to the Regimental mess-dinners, on occasions when Governor Macquarie dined with the Regiments, without the knowledge or concurrence of the majority of the officers. But these injudicious attempts at amalgamation uniformly produced effects the very opposite to those intended; and it is only remarkable that, after they had been strongly and decorously reprobated by the Commissioner of Inquiry, in his printed Report to the House of Commons, they should have been repeated so very shortly afterwards by Sir Thomas Brisbane.

The following are the judicious remarks of Mr. Commissioner Bigge, to which I allude:—

“The influence of the Governor’s example should be limited to those occasions alone, when his notice of the emancipated convicts cannot give offence to the feelings of others, or to persons whose objections to associate with them are known. The introduction of them on public occasions should in my opinion be discontinued; and when it is known that they have been so far noticed by the Governor of New South Wales, as to be admitted to his private table and society, the benefit of the Governor’s example may be expected to operate; and it will also be exempt from the fatal suspicion of any exercise of his authority.”

There was a Turf-Club established under the auspices of Sir Thomas Brisbane shortly before his leaving the colony—ostensibly for the improvement of the breed of horses, but in reality for the periodical exhibition of horse-races. I am not singular in supposing that this institution was not likely to be of much service to the colony, even in the way of improving the breed of horses; for the horse chiefly required in the colony, i. e., the horse likely to be generally useful for agricultural purposes, is surely not the race-horse. To this view of the matter, however, I attach no importance. Sir Thomas Brisbane, doubtless, thought the Club would be useful in the way I have mentioned; and accordingly took it under his special patronage, and set apart funds for the purchase of a silver cup, to be called *The Brisbane Cup*, and to be run for under its management.

There are sentimentalists in New South Wales, as there are in the mother country, whose tender hearts, forsooth, overflow with compassion for *the poor horses* on such occasions. I confess I have no such mawkish feeling. If the race-horse is made for running—as he evidently is—why let him run by all means. But there are real and not imaginary evils of a different kind, necessarily connected with all such exhibitions in a colony so peculiarly constituted as that of New South Wales; for the colonial races are not merely the signal for “the periodical assemblage of all the wealth and beauty of the colony” (to use the appropriate phrase), but the signal for the concentra-

tion of all its vice and villany, and for the consequent recurrence of scenes of gambling, and drunkenness, and dissipation, which it is unnecessary to describe. A judicious governor of that colony would, therefore, have hesitated ere he patronised and encouraged an association, the certain tendency of which was to deteriorate and debase the breed of men, notwithstanding its holding forth the chance of improving the breed of horses; for although it often happens in New South Wales, as it does sometimes in England, that the horse is the nobler animal of the two, he is not the one who is capable of the highest improvement, or whom it is of the greatest consequence to society to improve; he is not the one who was originally *made but a little lower than the angels*, and who, notwithstanding his present debasement, may yet be enabled to re-ascend to that height of glory from which he fell.

There had been occasional races in the colony during the government of Major-General Macquarie; but the organization of a regular system of yearly or half-yearly races all over the territory dates from the administration of Sir Thomas Brisbane. There are the Sydney and the Parramatta races, as distinct as those of Epsom and Doncaster, although the towns are only fifteen miles distant from each other. There are the Windsor races for the dwellers on the Hawkesbury, and the Liverpool, the Campbelltown, and the Penrith races for the inhabitants of these minor colonial towns and their adjoining vicinities. There are races at Maitland, and Newcastle, and Patrick's Plains, three different localities on Hunter's River; at Illawarra on the coast; at Bathurst and Mudgee, beyond the Blue Mountains; at Goulburn Plains and at Yass in the district of Argyle; at Moreton Bay, the northern extremity of the colony, and at Albury on the Hume River, four hundred miles from Sydney, the Southern.* In short, the *march of improvement* is much

* In crossing overland from Sydney to Port Phillip in the year

too weak a phrase for the meridian of New South Wales : we must there speak of the *race of improvement* ; for the three appropriate and never-failing accompaniments of advancing civilisation, in the past history of that colony, have been a race-course, a public-house, and a jail.

The colonial publicans are, for obvious reasons, extremely active in getting up races wherever they fix themselves. I was travelling on one occasion to a distant district in the interior, and took a place on the top of one of the colonial coaches, as far as it went in the direction in which I was about to proceed on horseback for the remainder of the journey. I was seated behind the driver, who had a well-dressed person along-side of him on the box, from whose loud and voluble conversation I soon learned that he was a free emigrant Englishman, recently arrived in the colony, who had just taken a public-house at a short distance from the town towards which we were travelling. There was a large open field adjoining the house, which, it naturally occurred to him, was admirably adapted for a race-course ; and he had accordingly proposed the matter to the nearest racing-club, who it seems were just looking out for such a thing, offering them free stabling for their *'osses*, provided they made the race-course on the field in question. Besides, I was enabled to learn that he had a skittle-ground on his premises for people to amuse themselves “ of a Sunday,” —and it had this peculiar recommendation, that it was “ out o’ sight of your church-going people, who mightn’t like much to see such a thing on their way to prayers.”

1846, I found that there were regular races established at Albury, although there was neither a school nor a place of worship within a hundred and fifty miles in any direction ! At the last races the stockmen for a hundred miles round had been congregated in the vicinity for the betting, gambling, and drinking which the scene afforded. They had continued the races on Sunday, and had compelled the nearest publican to serve out rum to them on the course in buckets-full !

It is peculiarly unfortunate for the real welfare of the colony, that gentlemen of the first rank in its limited society should condescend to league themselves in this manner with the veriest publicans and sinners to demoralise and ruin the colony. The race of fools and spend-thrifts is happily neither numerous nor influential in the mother country, and may therefore be left, with perfect safety, to the nation at large, to pursue their proper course of extravagance and folly; but, utterly unfurnished, as they have hitherto been unhappily left, with the good principles that are elsewhere derived from a manly education, it is natural for the native youth of New South Wales to look up to the free emigrant gentlemen of the territory, and to follow their example; and when they see the latter busily employed in training up race-horses and betting lustily on their performances, perspiring at a cricket-match, or huzzaing at a regatta; what can they possibly suppose, but that such puerile and contemptible employments are fit for men? *

Arriving, therefore, in New South Wales with all the recollections of my boyhood — the time when returning from the parish school in the north of Ayrshire, I was

* “Horse-racing,” observes the late Rev. Dr. Dwight, President of Yale College in America, “has for a long period been a favourite pursuit. This gross amusement turns polished men into clowns, and clowns into brutes.” — *Dwight's Travels*, vol. iii. p. 56.

Some farrier should prescribe his proper course,
Whose only fit companion is his horse;
Or if, deserving of a better doom,
The noble beast judge otherwise, — his groom,
If neither horse nor groom affect the squire,
Where can at last his jockeyship retire?
O, to the club, the scene of savage joys,
The school of coarse good-fellowship and noise.
There, in the sweet society of those
Whose friendship from his boyish years he chose,
Let him improve his talent if he can,
Till none but beasts acknowledge him a man.” — COWPER.

proud to be noticed by Sir Thomas Brisbane, and to be asked the meaning of some line in Virgil or Ovid—I could not help wishing from the very bottom of my heart, that His Excellency's name might be associated in every future age with the intellectual and moral advancement of my adopted country. Alas! the hopes I had formed were crowned with disappointment; for when I ask, *What Sir Thomas Brisbane did for New South Wales*; I pause in vain for a reply.

During the government of Sir Thomas Brisbane, considerable progress was made in the way of discovery in the interior. In the year 1819, a large river flowing inland, like the Lachlan and Macquarie rivers beyond the Blue Mountains, and called by the black natives the Murrumbidgee, had been discovered in the country to the southward and westward, generally known as the New Country, or Argyle: and in the year 1823, Captain (afterwards Sir James) Stirling, R.N., and Captain Currie, R.N., in the course of an expedition to the southward, discovered an extensive tract of undulating country, naturally clear of timber, and watered by that river, at a point much nearer its source than had previously been reached by any European. In honour of the Governor, this valuable tract of *new-found land* was named by its discoverers “Brisbane Downs;” but it has since been much more generally known by its native name of Monaroo, or Maneiro Plains. It has since been ascertained to extend from the Great Warragong Chain (the Snowy Mountains, or Australian Alps), in the 149th degree of east longitude, to the mountain range which runs parallel to the east coast, from latitude 36° 15' South, forming a table land of about a hundred miles square, and distant about forty miles from Twofold Bay. Maneiro Plains, which are at least from two to three thousand feet above the level of the sea, and of which the climate in winter is exceedingly cold, are now occupied by a goodly number of colonial squatters, having each herds of cattle and

flocks of sheep, as numerous as the flocks and herds of the patriarch Job.

In the following year Messrs. Hovell and Hume, the former a retired ship-master, who has been for many years a respectable settler in the colony, and the latter a highly enterprising native of New South Wales, now a magistrate of the territory, undertook an overland journey, chiefly at their own charges, from Lake George, in the county of Argyle, to Bass' Straits. Getting entangled, at their outset, among the mountains towards the sources of the Murrumbidgee, they were obliged to proceed to the westward as far as the 148th degree of east longitude, where they found an open pastoral country, and were enabled to pursue a southerly course. In latitude 36° South, they discovered and crossed the Hume river, a deep and rapid stream, of about a hundred yards in width, running to the north-westward, and in latitude $36^{\circ} 40'$ they discovered another rapid river, of smaller size, which they called The Ovens, also pursuing a north-westerly course. And in latitude 37° South they discovered a third river, which they named the Goulburn, formed from the junction of various mountain streams, and running in the same direction. From thence they pursued an easterly course, and, traversing a beautiful open pastoral country, they at length beheld the coast range of mountains, and reached the north-eastern arm of Port Phillip on the 16th of December, 1824, supposing all the while that it was Western Port.

About the same time the late Mr. Allan Cunningham, a Botanical Collector for the Royal Gardens at Kew, discovered the Cudgeegong River, a tributary of the Macquarie, about fifty miles to the northward of Bathurst, on the banks of which various stock stations were afterwards formed. Mr. Cunningham also discovered a practicable pass, which he named Pandora's Pass, from the upper part of the district of Hunter's River into Liverpool Plains, an extensive pastoral country to the northward

and westward, previously discovered by Mr. Oxley; and he also ascertained the limits of the plains to the westward and northward. These extensive plains are now occupied by numerous colonial squatters with their flocks and herds.

But the most important discovery effected during the government of Sir Thomas Brisbane was that of a large navigable river in the extensive bight on the east coast, called Moreton Bay, of which the general outline had been laid down by Captain Cook, and which was afterwards partially surveyed by Captain Flinders. In consequence of the recommendation of Mr. Commissioner Bigge, that a new penal settlement should be formed either at Port Bowen, Port Curtis, or Moreton Bay, to the northward of Port Jackson, and of instructions, in pursuance of that recommendation, from Earl Bathurst, the late John Oxley, Esq., who was then Surveyor-General of New South Wales, was directed by Sir Thomas Brisbane to proceed to Port Bowen in the year 1823, to fix on a proper site for the proposed settlement, but to examine Moreton Bay on his voyage thither. Mr. Oxley accordingly embarked at Sydney, in the month of October, 1823; and in the month of December following, from a report he had received from a shipwrecked mariner whom he found at Moreton Bay, he effected the important discovery of the Brisbane river, one of the largest rivers on the east coast of Australia, which empties itself into Moreton Bay, in latitude $27\frac{1}{2}^{\circ}$ South.

A penal settlement was accordingly formed in the year 1824, on the banks of the Brisbane; and the river, which was found to be navigable sixty-five miles, was afterwards traced to its sources in ranges of moderate elevation, but at no great distance, to the northward. It receives several considerable streams in its course, particularly the Bremer river, which, together with the main river, traverse a large extent of eligible country, capable in every respect of supporting a numerous population.

The penal settlement at Moreton Bay, at which there were at one time not fewer than eleven hundred convicts, under colonial sentences, was kept up till the year 1842, when the remaining convicts were at length withdrawn, and the district thrown open to free emigration.

Trial by jury and the freedom of the press were established in New South Wales during the government of Sir Thomas Brisbane.

There was no census of the population taken during the government of Sir Thomas Brisbane; but as the census of 1821, taken immediately before the departure of Governor Macquarie, exhibits a population of 29,783, while that of 1828 shows a population of 36,598, the mean of these two numbers, viz. 33,190 may be taken as the amount of the population in 1825, the last year of Sir Thomas Brisbane's government.

CHAPTER VII.

ACCOUNT OF THE STATE AND PROGRESS OF THE COLONY
DURING THE GOVERNMENT OF LIEUTENANT-GENERAL
SIR RALPH DARLING, K. C. B.

O fortunatos nimium, sua si bona nôrint,
Agrícolas ! VIRGIL.

The colonists of New South Wales would have enjoyed much higher prosperity, and escaped much disappointment and disaster, had they made a proper improvement of their opportunities.

LIEUTENANT-GENERAL Sir Ralph Darling was the seventh Governor of New South Wales. He assumed the government on the 19th of December, 1825; the affairs of the colony having been administered for eighteen days previous to his arrival by Colonel Stewart, of the Third Regiment, or Buffs, now a resident landholder in the colony and a Major-General in the army.

The reputation of General Darling has suffered extremely in the estimation of the public from the ill-judged officiousness of his friends, as well as from the malice of his enemies: it is my intention to rescue it from the hands, and to do it justice in the face, of both: and as I cannot charge my recollection with having received any personal favours from His Excellency, and as his ungracious refusal to attend to certain suggestions which I had submitted to him, with a view to promote the interests of education and religion in the colony, occasioned me the inconvenience and hardship of a voyage to England, besides exposing me incidentally to much personal suffering and pecuniary loss, I can scarcely be suspected of partiality, if my estimate of his character and government should be somewhat less unfavourable than the one generally current.

It was commonly understood in the colony that General Darling had attained the rank he held in the army, rather through his literary than his military prowess; and the circumstance was often referred to by the colonial opposition newspapers, to his discredit. For my own part, I conceive it was just the circumstance that rendered him the fittest military man for the government of a colony. In such cases, I apprehend it is quite immaterial whether an officer has merited distinction by his pen or by his sword; but it is a sorry prospect for a colony, for its Governor to be able to wield only the latter of these weapons with dexterity and effect. Courage, whether active or passive, is by no means a rare virtue, either in savage or in civilized society; but the higher qualities of mind, which are essential for situations of extensive command, are exceedingly rare. The question of importance, therefore, is not how these qualities have been elicited, but whether they exist at all in the candidate for power.

General Darling's was by no means a mind of the first order, but his talents were at least equal to those of the generality of mankind. He had naturally a correct judgment, a strong sense of justice, and a keen discernment of propriety: neither was he destitute of those qualities of the heart without which the higher powers of intellect are oftener a curse than a blessing to mankind. Indeed, I am fully persuaded, that on his arrival in New South Wales, General Darling was sincerely desirous of discharging the duties of his station with credit to himself, with satisfaction to his superiors, and with general benefit to the colony.

There are certain impressions, however, to which men of particular classes and professions are peculiarly subject (Bacon gives them the singular appellation of *idols of the den*), which often serve to neutralise the proper qualities of the individual, and to exert a powerful influence on the whole course of his conduct. The military man, for

instance, is always *under authority* ; he is consequently much less a free agent than the rest of mankind ; he waits uniformly for the word of command ; and instead of regulating his procedure according to his own sense of propriety, he looks upwards for direction to some superior authority, who, like the Jupiter of the ancients, shakes Olympus with his nod. It is impossible but that such a state of things should exert a powerful influence on minds originally formed of second-rate materials : hence it follows that in cases of emergency, and when thrown entirely on their own resources, military men, who, we should expect, would always evince the greatest decision of character, sometimes exhibit the least.

The military man, moreover, is also peculiarly unfitted by his previous habitudes of mind for dealing with opposition, when he happens to be invested with civil authority. Opposition, in the various forms which it assumes in reference to such classes of men, is the natural element, so to speak, of the statesman, the lawyer, and the merchant. It is the atmosphere they breathe : it is the food that supplies nourishment to those intellectual powers that contribute the most materially to their ultimate success. So far from considering its occurrence as a thing unreasonable, they view it as a matter of course, and regard it only as affording a proper and perhaps desirable opportunity for the development of their own superior tact and ability. But the military man, when invested with civil authority, is apt to regard opposition to his measures on the part of private individuals in a very different light. Accustomed to yield implicit obedience to the superior authority to which he has himself been subject, he is apt to expect implicit submission from those whom he naturally looks upon as his own inferiors ; and the very idea of a demonstration of resistance to his authority is consequently sufficient to make him *stiffen his sinews, stretch his nostrils wide*, and place himself at once in the attitude of offensive warfare. In short, so far from inducing compliance or con-

cession, opposition is apt to confirm the military man in the pursuit of those obnoxious measures which he has once adopted.

The extreme unpopularity of General Darling's government arose, I apprehend, in great measure, from his being under the influence of these *idols of the den*—a species of idolatry under which minds of a higher order would doubtless not have bowed. Naturally desirous to stand well with his superior officer, and holding it a sort of disobedience of orders either to think or to act for himself, in any case in which it was possible to ascertain or to guess at his opinion, he unhappily distrusted his own judgment, which in most cases would have pointed out to him the proper course, and allowed himself to be guided by the opinions of men who were unqualified to direct him. In a colony in which the measures of Government are uniformly open to the most jealous, and frequently to the most illiberal criticism, it was not wonderful that circumstances should arise in General Darling's administration of public affairs, to form the plausible groundwork of a regular opposition on the part of an influential portion of the colonial press. This opposition would at best have been exceedingly feeble, and would speedily have been entirely annihilated, had he merely pursued a straightforward course, without condescending to notice it; or silently adopted a hint occasionally for the improvement of his plans. But his friends persuading him that his government was in danger—the old hue and cry of incapacity—and that it was necessary to put down opposition with the strong hand of power, hostile and vindictive measures on the part of the Government were eagerly resorted to: nay, whoever presumed to entertain a different opinion on so important a subject, and to hold intercourse with those who had been gratuitously branded as the enemies of the State, was immediately marked as a disaffected person, and treated accordingly.

In such circumstances, it was soon found necessary to

strengthen the Government party, by attaching the individuals who composed it as strongly as possible to His Excellency's person and government. Their loyalty was of course rewarded with lucrative employments, and with all the other indulgences that the Government could bestow ; and the system of egregious partiality that was thus notoriously practised served only to originate and embitter disaffection. In short, instead of acting with the magnanimity and decision which befitted his station as the Representative of Royalty, General Darling followed the course of short-sighted policy which was recommended for his adoption by the selfish politicians *in petto* whom he admitted to his councils ; for he was unhappily surrounded by men of hopeless mediocrity, whose incessant cry was that of the daughters of the horse-leech, "Give, give ;" and whose contemptible cupidity was only equalled by their narrowmindedness and vindictiveness.

I have already hinted, that the persons into whose hands the Governor thus virtually surrendered himself were of the sect of exclusionists. They were exclusionists in politics, and would willingly have subjected, not only the whole class of Emancipists, but moderate persons of all classes throughout the colony, to political disabilities. They were exclusionists in place and property, eagerly endeavouring that whatever the Governor had to give in the shape of land, or town allotments, or convict labour, or appointments of emolument, should be given exclusively to themselves or their dependents. They were exclusionists in religion, which a few of them professed by *paying tithes of mint, and anise, and cummin*, in the shape of paltry subscriptions to religious societies ; and their motto and device was, *We are the people. Stand back, for we are holier than you.*

It will doubtless be considered greatly in favour of General Darling, that he devoted all his time and talents to the personal discharge of the duties of his office. If

there was a single individual in the colony who allowed himself no unnecessary rest and no unnecessary recreation, it was the Governor. Every case, even of minor importance, that occurred, received his personal consideration; every letter had to be submitted for his personal perusal. Mistakes and errors of judgment might occur under such a system; but whensoever and wheresoever they occurred, they could not be imputed to the Governor's neglect.

General Darling also deserved well of the colony for the regularity and the system he introduced into every department of the public service. Previous to his arrival, the colonial state-machine was frequently out of order; and it was often a matter of difficulty to ascertain which of its wheels should be touched, to set it a-going in a particular direction. In General Darling's time it was remarkable for the regularity and precision of its movements. The duties of each department were ascertained and fixed, so that one could not interfere with another. Forms of application and forms of procedure were established, which greatly facilitated the transaction of public business, though, to the eye of ignorance, or prejudice, or malice, they rather tended to retard and to perplex it. A disposition of this kind, however, is apt to run to extremes. General Darling was too much a man of forms and system; and his successor, Sir Richard Bourke, soon found, that by simplifying his arrangements, he could get through more business with fewer hands.

In the apportionment of grants of waste land on the part of Government, General Darling has been accused of great partiality to certain parties, and of great injustice and oppression to others. It was certainly unfortunate for his popularity, that his person was beset by individuals, who were not restrained by any considerations of propriety from possessing themselves of whatever their personal influence could procure; and it is

equally undeniable that a strange want of feeling was evinced on different occasions towards reputable persons who were desirous of settling in the country, and who were thus obliged to expend their time and their means in Sydney to no purpose whatever. In this respect, the government of General Darling was decidedly unfavourable to emigration, and was therefore in so far unfortunate for New South Wales. At the same time, I have reason to believe that the errors of his government, on both of these points, were greatly exaggerated by interested or disappointed individuals; and that what were trumpeted about as acts of oppression, sometimes arose from a system of management, which the Governor had established for the public benefit, and with the details of which he could not properly interfere.

Great irregularities had certainly arisen from the operation of the system adopted in the granting of land during the government of Sir Thomas Brisbane; for I have myself heard of the case of an individual, who, having come to the colony from the Isle of France for the recovery of his health, was induced, on hearing of the facility with which land could be obtained from the Colonial Government by persons newly arrived in New South Wales, to apply for a grant of two thousand acres of land; which he accordingly received, and immediately sold to an old resident in the country, without ever having seen it himself, for the sum of five hundred pounds. He left the colony very shortly afterwards with his health restored, and his purse unexpectedly and very agreeably replenished.

To correct such abuses, General Darling instituted a Board of Inquiry, under the designation of the Land Board, and established certain regulations for the granting of land, shortly after his arrival in the colony. Agreeably to these regulations, land was thenceforth to be granted in proportion to the property or means of the applicant, and not to be granted to such applicant

at all, unless there was reason to believe that he was able and willing and likely to improve it. The operation of these regulations, which were doubtless conducive to the general welfare of the colony, may perhaps, like all other general rules of policy, have been oppressive in particular cases: but I am also able to refer to other cases, in which, on a plain and candid statement of the circumstances of the applicant being laid before him, General Darling was induced to depart from the strict letter of his own regulations, and in which his doing so evinced equal discrimination and humanity.

An Englishman who had married a Scotchwoman in London, by whom he had an interesting family of very fine children, had arrived in the colony as an indented free servant of the Australian Agricultural Company. After about two years' service, his indenture was given up to him, and he was allowed, in the technical phrase of the colony, "to go upon his own hands." During their period of service, and especially after they had acquired their entire freedom, the industry of the husband and the economy of the wife had enabled them to accumulate a considerable sum of money — as much, indeed, as two hundred pounds. After they had resided for some time in the town of Sydney, where they had settled on leaving the service of the Company, I had the honour of a visit from my virtuous countrywoman, to apprise me that her husband and herself thought they could do better for their family on a farm than by continuing to live in Sydney, and that they were accordingly desirous of obtaining a grant of land. I offered to assist them in the attainment of their object, and with this view procured one of the printed forms, with which I went on the day following to their little cottage. *There* the whole savings of the family were displayed for my inspection, in all the endless variety of coin with which the money-changers of Sydney were at that period acquainted. After having duly ascertained the amount,

I made a short statement of the history, circumstances, and property of the family, on a blank corner of the printed form, which I attested forthwith, and forwarded to the Governor. In a very few days afterwards, and without the application being referred to the Land Board at all, the happy family received a letter, informing them that the Governor had been pleased to allow them 320 acres of land in the first instance; on their taking possession of which they were to have 320 more, i. e. a square mile altogether.

I have reason to believe that, during General Darling's administration, more of this sort of work passed through my own hands than fell to the lot of any other minister in the colony; and I am happy to say, that in almost every instance I had reason to speak well of the judiciousness and humanity of General Darling.

The value of land in the interior of a colony is increased in proportion as facility is afforded for direct and frequent communication with the capital. In this respect General Darling certainly merited commendation; rather, however, for the magnitude and extent of his undertakings than for their uniform judiciousness; for as this important branch of the public service was most preposterously made an affair of patronage, and as petty jealousies and antipathies unhappily interfered to prevent the employment of that particular kind of talent which was required for the economical and efficient discharge of the duties it implies, much public money was expended with comparatively little benefit to the public. The road to Bathurst across the Blue Mountains was greatly improved, however, during General Darling's administration. A good road was also constructed, by the labour of convicts who had been found guilty of minor offences in the colony, to the very important settlement of Hunter's River—a distance of one hundred and thirty miles—not to mention various cross-roads in that settlement; while several gangs were employed in opening a permanent line of communication

with the extensive pastoral country to the southward and westward, beyond the county of Argyle.

It cannot be denied, however, that in carrying into effect the sentences of the law, which consigned a portion of the prison population of the colony to hard labour on the roads, or at penal settlements, there was much unnecessary severity practised under the authority of General Darling. He had doubtless received orders from home to subject the convicts to a more rigorous discipline than the one to which they had previously been subjected: but in enforcing these orders, the convicts under colonial sentences were not unfrequently treated by his subordinate agents, who had always discernment enough to discover that severity was the order of the day, with a reckless indifference to their feelings as men, which their situation as criminals could never have warranted.

There were four remarkable epochs in the government of General Darling, each of which might almost constitute an era in the history of the colony. The first of these was the era of general excitement; the second the era of general depression; the third was the era of drought; and the fourth the era of libels.

I. In the year 1825—so memorable for the rise and fall of numerous joint-stock companies in England—a company of that nature was established in connexion with the colony of New South Wales, by certain Members of Parliament and other gentlemen connected with the wool trade, in the city of London. It was incorporated by Royal Charter, under the designation of the Australian Agricultural Company; its object being the cultivation of land in New South Wales, the rearing of fine-woolled sheep, cattle, and horses, and the general improvement of the colony. Its capital was a million sterling; and, in consideration of its highly important objects, the minister of the day agreed to give it a million of acres of land, free of cost, in whatever part of the territory the agents of the Company might choose to select their Grant. About the same period, extensive grants were also obtained by certain

Members of Parliament and private gentlemen of property in England, whose agents arrived in the colony with their host of retainers, about the same time as those of the Agricultural Company, or shortly before the arrival of General Darling.

The colony was at that period in a state of progressive, but by no means rapid improvement: agricultural stock was obtained by the free emigrant settler at a moderate rate, and agricultural produce bore a remunerating price. In the year 1823, a good horse could be purchased for 20*l.* to 50*l.* currency, or in dollars at five shillings each; a good cow for 5*l.* to 7*l.*, and sheep in proportion. During the succeeding years of the government of Sir Thomas Brisbane, the price of agricultural stock had advanced considerably in consequence of the influx of free emigrants from Great Britain, and the numerous grants of land that were then taken possession of in the districts of Hunter's River, Bathurst, and Argyle: for as these grants had all to be stocked with sheep and cattle, the old settlers found a ready and improving market for their superabundant stock among the new arrivals.

The Australian Agricultural Company commenced its operations early in the year 1826; but these operations were too prominent in their character, and too extensive, not to have a powerful and immediate influence on a community so limited as that of New South Wales: for as cattle and sheep and horses had to be purchased for the Company, wherever they could be got, the price of these descriptions of agricultural stock rose rapidly throughout the colony; insomuch that cattle of colonial breeds were actually sold to the Company's agent for twelve guineas, and sheep for four or five guineas sterling a-head. The extensive purchases of agricultural stock that were made about the same period for the large tracts of land granted to private individuals, doubtless contributed also in no small degree to enhance its price in the colonial market.

Those only who witnessed the infatuation of multitudes in England on the formation of the Joint-stock Companies of 1825, or the Railway Companies of a later period, will be able to form any idea of the state of things that immediately ensued in New South Wales: for no sooner had the existence of the Agricultural Company been duly announced, and its operations commenced in right earnest, than the *sheep and cattle mania*—a species of madness undescribed by Cullen, and formerly unknown even in the colony—instantly seized on all ranks and classes of its inhabitants. We are told by the historian Thucydides, that, during the prevalence of the plague in Athens, the wretched victims of that hopeless disease were impelled by their intolerable thirst to the fountains and streams of water, around which they died in great numbers. The colonial mania I have just mentioned evinced itself in like manner in impelling whomsoever it seized to the cattle-market; and as my own residence in Sydney at that period was in the immediate vicinity of that busy scene, I had frequent opportunities of observing the congregated patients, and abundant reason to wonder how the matter would end: for barristers and attorneys; military officers of every rank, and civilians of every department; clergymen and medical men; merchants, settlers, and dealers in general, were there seen promiscuously mingled together every Thursday, and outbidding each other in the most determined manner, either in their own persons or by proxies of certified agricultural character, for the purchase of every scabbed sheep or scarecrow horse or buffalo-cow that was offered for sale in the colony. In short, it was universally allowed, that the calculations of the projectors of the Agricultural Company could not possibly be inaccurate. Their statements and reasonings were supported by arithmetical—which every person allowed were the best of all—arguments; and it was made as clear as the day-light to the comprehension of stupidity itself, that the owner of a certain number of

sheep or cattle in New South Wales, must, in a certain number of years, infallibly make an independent fortune. It was consequently determined on all hands and by all sorts of persons that the Agricultural Company should not be the only reaper of this golden harvest. The professional men and the Sydney merchants, who had become extensive sheep and cattle owners, generally employed hired overseers to manage their stock in the interior; but there were individuals, even among these classes, who thought the matter too momentous to be entrusted to a deputy, and accordingly followed their purchase to the interior themselves. Nay, (and the reader will observe I do not speak at all metaphorically,) even the soldier unbuttoned his military belt to become a keeper of sheep; and the priest, reversing the ancient metamorphosis in the case of the prophet Amos, forsook his altar to become a *herdman of cattle*.

In all cases in which the purchaser had money to pay for his sheep and cattle, money was paid; but where money was not forthcoming, as was generally the case, credit was allowed, if the individual was supposed to be a person of substance; and security was often tendered and accepted on the purchaser's land. One gentleman, who had a large herd of inferior cattle, got them disposed of in this way to respectable free settlers, at the rate of ten guineas a-head, with security on the purchasers' land for two years, and ten per cent. interest besides on the whole amount of the purchase till its ultimate payment.

The reader may perhaps imagine that I must have been a dealer in sheep and cattle myself, to have acquired all this unclerical knowledge: I have never, however, had a single head of either in the colony, with the exception of having once had a cow for a short period for the use of my family. But it was impossible to live in New South Wales at the time I allude to, without acquiring much more knowledge of this kind than was at all desirable. "Their talk," as Dr. Johnson remarks of some of his

friends in the country, "was all of runts," or heifers. If an advice was given in company, it was by all means to *get into a good stock, for there was nothing like it.* If a difference of opinion arose, it was either whether Saxon or Merino, fine or coarse-woolled sheep were the most profitable, or whether it was advantageous to attend exclusively to the wool, or to combine with all due attention to that matter of universally-acknowledged interest a proper regard to the carcase. In short, the whole community seemed for a considerable period to have only one idea; and this exclusive and universally-predominant idea was, that of rapidly acquiring an independent fortune by the rearing of sheep and cattle.

It was not at all to be wondered at, that persons who were so speedily to be enriched beyond their highest previous expectations, should begin to speculate prematurely on their good fortune. If a matrimonial alliance with the Sultan's daughter was not projected, as in the case of the crystal-seller of Bagdad, it was at all events fitting that articles of dress, and furniture, and equipage suitable for a consummation so devoutly to be wished, and so reasonably to be expected, should not only be bespoke, but actually procured. Such articles were accordingly ordered; and bills were given for their due payment; and so favourable was the prospect of demand for the future, that the colonial merchants or importers were induced to order large quantities of British and other foreign goods, till their warehouses were completely filled, and till almost every article of British manufacture could be obtained in Sydney at a cheaper rate than in London.

What might have been the ultimate issue of the *sheep and cattle mania*, had the seasons continued as favourable after the harvests of 1825 and 1826, as they had been for a long time previous, I do not know. It was evident, indeed, to every person of understanding, that, as cattle, and sheep, and horses must increase in a geometrical

ratio in a country so admirably adapted for the rearing of agricultural stock as New South Wales, while the population of the colony could increase only in an arithmetical ratio,—a time must arrive, sooner or later, when their numbers would so far exceed those of man that the price of them must fall prodigiously. But although this was admitted on all hands, every purchaser persuaded himself that his own fortune at least would be made long before the price of agricultural stock could experience any considerable depression.

It pleased Divine Providence, however, to visit the colony, in the midst of these speculations, with an afflictive drought of nearly three years' continuance; the effect of which, combined with the natural result of the *sheep and cattle mania*, was completely to open the eyes of the colonists to their own folly and madness, to blast the golden hopes of multitudes, and to bring many respectable families to poverty and ruin. In short, the body politic of the colony had passed through a crisis of violent and unnatural excitement, which, according to the well-known maxim of Hippocrates, the father of medicine, must necessarily be followed by a corresponding crisis of unnatural depression.

II. During the years of drought, the sheep and cattle, which had been purchased so extensively in the years 1826 and 1827, increased in number very rapidly; for the native grass of New South Wales is so nutritious, that cattle, especially, that are able to obtain abundance of good water, continue to thrive even in the driest seasons. A few cattle, it is true, were lost, in several parts of the colony, in attempting to find water where it was scarce; but the number was very inconsiderable. Indeed, some idea of the capabilities of the colony, in regard to the rearing of cattle, may be formed from the unparalleled fact, that within six months after the termination of a drought of nearly three years' continuance, butcher-meat of the very best quality could be purchased

in Sydney, in quantities of not less than the half or the fourth of a carcase, at three farthings a pound, — a price which was scarcely exceeded during the three following years.

During the prevalence of the drought, however, many of the settlers or landholders were brought into considerable difficulties from having to purchase grain at a high price for their families and servants; for during one of the years of drought, grain was imported from Van Dieman's Land and elsewhere, for the internal consumption of the colony, to the amount of not less than £50,000. In the meantime, the numerous bills granted for the sheep and cattle purchased in the years 1826 and 1827 began to fall due, while the high interest (from ten to fifteen per cent.) on mortgages given for the same purpose rapidly accumulated, till at length creditors became imperative in their demands for payment, being themselves generally pressed by other creditors either in the colony or in England; and debtors who had nothing but their stock and their land to look to, found themselves suddenly and unexpectedly ruined. Month after month herds of cattle and flocks of sheep were seized and sold for the payment of debts incurred by their original purchase; and this process was so frequently repeated, and the price of sheep and cattle consequently fell so rapidly, that when the original stock, with its whole increase during three successive years, failed to realize any thing like the amount of its original price, which very soon proved to be the case in many instances, the settler's farm was seized and sold also, and himself perhaps ultimately lodged in jail. The reader will easily conceive, that the distress and ruin which were thus experienced in all directions, would just be a little less extensive than the mania which had originally caused them. In short, those who had commenced with capital found they had lost it in great measure; those who had salaries from Government found that these salaries must

in future be appropriated for the payment of the debts which their own cupidity and infatuation had led them to contract; and those who had neither capital nor salaries at the first had their property brought to the hammer, and themselves to poverty or to prison.

In the course of an excursion to the settlement of Hunter's River, for the performance of clerical duty, in the month of March, 1830, I went a few miles out of my way to see an interesting and sequestered part of the country I had not previously visited, and to call on a respectable settler with whom I had previously formed some acquaintance. On my way to the settler's farm, my horse happening to prick up his ears at something he seemed to observe near the pathway, I looked in the direction to which the animal's attention was attracted, and observed two eagles in the act of killing a young kangaroo of one of the larger varieties, which it appeared they had just succeeded in hunting down. The eagles were scared at my approach, and accordingly, leaving their prey and perching themselves very leisurely on the low branches of trees almost over-head, looked down at me with as much apparent inquisitiveness and dissatisfaction as if they would have said, "Pray, sir, how came you to deprive us of our game?" while the poor kangaroo, which had only been stunned or slightly wounded, instantly sprung up, and bounded off with prodigious leaps down the valley. The species of hunt which I had thus unconsciously interrupted is always managed by two eagles in concert, the one of which continues from time to time to fly at the kangaroo's face till the poor animal becomes confused, while the other is ready, whenever it stands still, to pounce upon its head, and sink its talons into its brain.

On my arrival at the settler's residence, I was gratified to find him at home, and to experience a cordial welcome. His house was well enough for the *bush*, as the country is generally termed in the colony — half-shingled and half-

covered with bark. The furniture was rude in the highest degree; but the plain and substantial repast, of which I was invited to partake before resuming my journey, was all the produce of the farm, and was accompanied with a sort of seasoning which is not always to be had in the colony — I mean genuine *Attic salt*; for the settler, having received a liberal education in his youth, quoted in the course of my short visit a well-known Greek epigram, which the classical reader will doubtless recollect, and the subject of which was the circumstance of the statue of Victory in the Senate-House of Rome being accidentally despoiled of its wings. I was sorry to find in the course of my visit that the quotation was capable of a personal reference to the settler himself, as the following circumstance, which he told me ere I took my leave of him, will probably enable the reader to discover.

In the year 1826, his stock of sheep and cattle was very considerable for the colony, and quite sufficient, if he had only been content with it, to have rendered him completely independent; but being seized, like many around him, with the colonial mania, he had purchased a number of heifers, at 10*l.* each, on credit for two years, ten per cent. interest being payable on the whole amount of his purchase till the final payment of the principal. At the time he made the bargain, he was given to understand, that if it were not convenient for him to pay the money on its becoming due, he should be allowed to retain it during his pleasure, at the same rate of interest as before. The creditor, however, being probably tempted by the prospect of obtaining a higher interest for his money, put his bills into the hands of a lawyer, and authorised him to demand payment. It was not convenient for the settler to pay the bills, but, having sheep and cattle in great numbers, he was obliged to sacrifice them to meet the demand of his creditor. In fact, his cattle, to the number of four hundred, were actually collected in his stock-yard at the time I reached his farm, and himself

and one of his servants had been making preparations to drive two hundred of them over the mountains to Sydney — a distance of about two hundred miles, by the circuitous route they had to travel — on the following morning. “They are Marsden’s breed,”* he observed; “they will at all events fetch two pounds a head, and that will set me up again.”

I left Hunter’s River next morning also, to return to Sydney by a shorter route; and on my solitary journey of three days across the mountains I met with another incident, which the reader will doubtless excuse me for relating, as it illustrates the scenes and circumstances of travelling in Australia. I was trotting along the side of a hill, when a black snake, of upwards of four feet in length, which had been basking in the sun on the bare foot-path — for such was the only road at the time for a considerable distance among the mountains — sprang out from among my horse’s feet, and tried to escape. As it is considered a matter of duty in the colony to kill an animal of this kind, when it can be done without danger or inconvenience, I immediately dismounted, and, breaking off a twig from a bush, pursued and wounded the venomous reptile. I had struck it across the back, a few inches from the head; it immediately turned itself round, and glared fiercely with its little dark eyes, while the portion of its body between the wound and the head instantly swelled to thrice its usual thickness. Finding itself, however, unable to spring at me, it tried again to escape, when I easily despatched it with a few additional strokes. It is usual in such cases to leave the animal extended, as a sort of trophy, across the footpath, to in-

* The late Rev. Samuel Marsden, for many years principal Colonial Chaplain of New South Wales, was an extensive proprietor of sheep and cattle; and his breed, at the period referred to, was in high estimation in the colony. His general and somewhat characteristic advice to new-comers was to put all they had “in four feet,” that is, in sheep and cattle.

form the next traveller that the country has been cleared of another nuisance, and to remind him, perhaps, of his own duty to do all that in him lies to clear it of every remaining nuisance; that it may become a goodly and a pleasant land, in which there shall be nothing left to hurt or to destroy.*

It was many weeks after my return to Sydney ere I heard any thing more of the Hunter's River settler. There had been a flood on the Hawkesbury during his journey, which had greatly retarded his arrival in Sydney. Cattle had been falling in price in the mean time every day; and I was truly sorry to learn, that when his large herd was ultimately brought to the hammer, and all the expenses of the sale discharged, they had realised only *twelve shillings and sixpence each*. The settler's farm was afterwards sold by the sheriff.

III. The third remarkable era in the government of General Darling was the era of drought. For three successive years during the government of Sir Ralph Darling the usual supply of rain was in great measure withheld from the colony, insomuch that, in the emphatic language of Scripture, *the heavens became as brass, and the earth as iron*. An entire failure of the crop in some districts, and a partial failure in others, were the necessary conse-

* I was so much gratified, a few days after the occurrence of the incident I have related, at accidentally observing the following beautiful and most accurate description of the appearances the snake exhibited when half-dead, that I shall take the liberty to subjoin it:—

Qualis sæpe viæ deprensus in aggere serpens,
 Ærea quem obliquum rota transit; aut gravis ictu
 Seminecem liquit saxo lacerumque viator;
Nequicquam longos fugiens dat corpore tortus,
Parte ferox, ardensque oculis, et sibila colla
Arduus attollens; pars vulnere clauda retentat
Nexantem nodos, seque in sua membra plicantem.

VIRG. *Æneid*, v. 273.

quences of so direful a calamity; while the pasture-grounds presented in general the aspect of a beaten highway, and the cattle were reduced to extremities from the scarcity of water. So remarkable a feature in the meteorology of a country, of the physical constitution of which so little is accurately known, might well induce suspicion in regard to the eligibility of that country as a place for the residence of intending emigrants if left wholly unexplained. I deem it expedient, therefore, to make a few remarks on the subject, chiefly to satisfy the reader that the calamity with which the colony was thus so extensively afflicted during the government of General Darling, may reasonably be supposed of very unfrequent occurrence; and that, although it doubtless arose from the visitation of God, it was greatly aggravated by the folly and infatuation of man.

My brother, Mr. Andrew Lang, J. P., has an estate of two thousand five hundred acres on the Yimmang or Patterson's River, a few miles from its junction with the Hunter, in the principal agricultural district of the colony. It is partly intersected by a picturesque lagoon of a mile and a quarter in length, which, on the district being first settled, was eighteen feet deep at the one end of it, though considerably shallower at the other. The first time I visited Hunter's River, in the year 1827, the bed of this lagoon was full of water, and I had one day the curiosity to borrow the little bark-canoe of a black native whom I found fishing *in puris naturalibus* on its bank, to ascertain the comparative conveniences of aboriginal navigation.* For nearly two years, however, during the prevalence of the drought, it was completely dry, and part of its rich alluvial bed was planted with tobacco, which grew luxuriantly; and with maize or Indian corn, the produce of which was at the rate of eighty bushels an

* The first or rudest ship does not appear to have been a tree hollowed out, agreeably to the ancient Roman adage, *Prima navis fuit cavata arbor*; in all probability it was a bark-canoe.

acre. It occurred to me at the time, that this circumstance might afford a cue to ascertain the period at which the last drought of equal severity had occurred in the country, and I therefore suggested to my brother to make inquiries on the subject of the older and more intelligent aborigines of the district. He did so accordingly; and they uniformly stated in reply, that they had never seen the lagoon dry before, but that their fathers had told them they had seen it dry once. A drought, therefore, of equal severity with the one experienced in the colony during the government of General Darling, does not occur, we may reasonably suppose, oftener than once in fifty years.

The afflictive character of the drought, however, was greatly increased by the imprudence of the settlers themselves; many of whom, conceiving that agriculture was beneath the notice of those who were so speedily to make their fortunes by the rearing of sheep and cattle, chose rather to run the risk of buying wheat for their families and convict-servants, than incur the trouble and expense of growing it. The result was, that there were far more buyers of wheat in the country than there ought to have been; and that many had to purchase grain imported from Van Dieman's Land, who might have grown it, partially at least, themselves.

Calamitous though it was, however, the drought was only partial, whole districts having either entirely or in great measure escaped its influence. It was much less felt, for instance, in the county of Argyle, to the southward and westward, than in the lowlands or earlier settled districts of the colony. In the lower parts of the settlement of Hunter's River, or on what the Americans would call the sea-board, it was by no means so severe as at a greater distance from the coast: and in Illawarra, an extensive and highly fertile district about fifty miles to the southward of Port Jackson, the few settlers who had cultivated grain in any quantity never lost a crop.

Such also was the case at the settlements of Port Macquarie and Moreton Bay, to the northward; and at Patrick's Plains, a tract of fertile land on Hunter's River, naturally destitute of timber, where the crop was nearly all destroyed in the year 1828, a good crop was reaped in the first year of the drought. In short, common industry and common precaution will always secure the colony, even in a series of seasons as unfavourable as those of the long drought during the administration of General Darling, from the calamities arising from a scarcity of grain; for, although the crop should entirely fail in one district, it is likely to prove abundant in others.

In the year 1828, the second year of the drought, the failure of the crop in the upper parts of Hunter's River, and in certain other districts of the territory, was not attributable to the drought at all, but to blighting north-westerly winds. In the course of that season, when the settlers had a second time begun to despair of their crops, there was a copious and seasonable fall of rain, the almost instantaneous effect of which on the vegetation of the country was truly astonishing. The wheat crop immediately revived, and hopes were entertained of an abundant harvest. Just, however, as the wheat had got into ear, a north-westerly wind, blowing as if from the mouth of a furnace, swept across the country, and in one hour destroyed many hundred acres of highly promising wheat.

IV. The fourth remarkable era in the government of General Darling was the era of libels.

Nearly a year after Sir Ralph Darling arrived in the colony, a soldier of the 57th Regiment, of the name of Thompson, wishing to get quit of the service, and conceiving that the situation of a convict in New South Wales was superior to his own, persuaded another soldier of the same Regiment, of the name of Sudds—a peaceable, well-behaved man, but unfortunately not of sufficient firmness to resist the influence of his comrade's bad

advice—to join with him in the commission of a felony, for the express purpose of being dismissed the service. They accordingly went in company to the shop of a dealer in Sydney, on pretence of intending to purchase some article, and contrived to steal a piece of cloth, which they immediately cut in two, each secreting a part of it about his person: but the theft was designedly so awkwardly managed, that its perpetrators were instantly detected, and delivered over to the civil power. They were accordingly tried, convicted, and sentenced to transportation to a penal settlement—Moreton Bay or Norfolk Island—for seven years.

In the course of the trial the object and design of the theft were ascertained beyond the possibility of doubt, and the case accordingly assumed in the eye of the Governor a very different character from that of a common case of theft. The thieves were soldiers in His Majesty's service, and they had taken up the intolerable and highly dangerous idea, that the situation of a soldier was worse than that of a convict or transported felon: nay, acting on this idea, they had not only deserted His Majesty's service, which they were paid, and maintained, and sworn to uphold; but had actually made common cause and identified themselves with those very disturbers of the public peace, from whose vicious propensities or actual violence they were bound to protect His Majesty's subjects. In short, their example, in so far as it was likely to be contagious, was evidently dangerous to the peace and good government of the colony; and the Governor therefore, who in common with all other governors of British colonies, was authorized to provide for all such extreme cases as involve the very existence of the Government to the best of his own judgment, conceived this was just such a case. Whether he may not have attached too much importance to the case, or whether he may not have magnified the danger that was

likely to accrue from it, if treated in the ordinary way, it is unnecessary to inquire.

With a view, therefore, to obviate the evils apprehended, the Governor, in his capacity of Lieutenant-General and Commander of the Forces, issued a General Order, in virtue of which the two soldiers were taken out of the hands of the civil power, and brought on a day appointed, to the barrack-square in Sydney, where their crime was publicly announced to all the other soldiers in garrison; their sentence of transportation to a penal settlement for seven years was declared to be commuted into that of hard labour in irons on the roads of the colony for the same period,—doubtless that they might be occasionally seen by other soldiers in going to and from their places of detachment in the interior; and it was formally announced to them, that at the expiration of their period of sentence they should return to the Regiment and serve in the ranks as before. Immediately after they were publicly stripped of their uniform, and arrayed in the dress of convicts; iron collars, prepared expressly for the purpose, with projecting iron spikes and chains of the same metal attached to fetters for the legs,—such it seems as were used in the Isle of France or the West Indies, previously to the abolition of slavery, for the punishment or confinement of runaway negroes*,—

* The device of the iron-collars has hitherto been uniformly represented as a thing previously unheard of in New South Wales, and as evincing the peculiarly inhuman disposition of General Darling. What will be thought of the following brutal sentence of a bench of magistrates *in the town of Sydney*, in the year 1807, from which it appears that *iron collars* had been in use in the colony, as an aggravation of punishment, not less than twenty years previous to the case of Sudds and Thompson?

“Thomas Prosser, Robert Matthews, Patrick Mitchell, Tristram Moore, Patrick Galvin, Wm. Saunders, Francis Allen, convicts, are charged with absconding from the settlement; and Wm. Blake, a freeman, charged with aiding and assisting the above-named prisoners at absconding as above stated.

were affixed to their necks; and they were drummed out of the Regiment with the Rogue's March to the common jail.

All this procedure, in so far as it was evidently an interference with the due course of law, was, according to all the approved maxims of British jurisprudence, illegal and indefensible. Whether there was a case of urgent necessity to justify it on any ground,—whether the peace and good government of the colony would have been endangered by adopting the ordinary course of procedure,—that is the question; and it is one on which there was room for a difference of opinion. For my own part, even although there had actually been such a case as I have shown the Governor supposed there was, I should have been disposed to say, “Let the law have its due course.” At the same time, as punishment is intended not merely for the correction of the offender, but as a means of deterring others from imitating his pernicious example, it was the part of a good Governor to consider how he could render the punishment of the two culprits in the case in question effectual, in the most extensive manner, in preventing the recurrence of their crime: and if

“The charges above stated being read to the several prisoners, and to William Blake the freeman, they acknowledge themselves guilty of the respective crimes they are charged with.

“The bench of Magistrates finding them guilty of a breach of the colonial regulations of the 18th of November, 1800, do sentence Matthews, as a principal, to receive *one thousand lashes*; Moore, Galvin, and Saunders, *five hundred lashes*; Francis Allen, to hard labour, *with an iron collar*, at Newcastle; Wm. Blake, free from servitude, two hundred lashes, and three years' hard labour; Thomas Prosser, emancipated, two hundred lashes, and three years' hard labour; and Patrick Mitchell, two hundred lashes, and three years' hard labour, and to work in the jail gang until farther orders.

(Signed)

RICHARD ATKINS,
JOHN HARRIS,
THOMAS JAMIESON.”

Proceedings of a Bench of Magistrates in Sydney. Vide “Colonel Johnston's Trial,” p. 333.

in doing so he made the punishment extremely degrading on the one hand, and unfeelingly severe on the other, such a result could only have arisen from an error of judgment; for it was absolutely incredible that in such a case personal feeling could exist, or that the Governor could have had any other object in view than the public good. This was indeed so generally acknowledged at the time when the circumstance occurred, that if no extraordinary and unexpected result had ensued, the anomalous character of the punishment would neither have been discovered nor complained of; for even the able Opposition paper of the day admitted that the offence of the soldiers was a serious and dangerous offence, and one that required extraordinary treatment.

The man Sudds, however, was of a temperament which could not sustain this accumulation of sorrows. The public disgrace to which he had been subjected in the presence of all his former comrades, and his exposure in this condition to the heat of a burning sun; the utter disappointment of the hopes which his associate had led him to entertain, and the miserable prospect that lay before him — all these circumstances combined, and doubtless greatly aggravated by the action of his iron collar,—immediately plunged the wretched man into a state of hopeless despondency, in which he was at length removed from the jail to the General Hospital, where he died on the following day.

The following extract of the examination of the surviving soldier, Patrick Thompson, then a convict on board the *Phoenix* hulk, taken before the Colonial Secretary and other competent persons, on the 23rd April, 1827, throws considerable light on this affair. The concluding part of it is very affecting.

Extract of the examination of Patrick Thompson, a Convict on board the Phoenix hulk, taken 23d April, 1827.

“ We were taken to the parade ground, and the regimentals taken off us, and a suit of yellow cloth put on each of us, and a General

Order read to us by Brigade Major Gillman, by the order of his Excellency General Darling. After the Order was read to us, a set of irons was put on each of us. The irons consisted of a collar, which went round each of our necks, and chains were fastened to the collar on each side of the shoulder, and reached from thence to the basil, which was placed about three inches from each ancle. There was a piece of iron which projected from the collar before and behind, about eight inches at each place. The projecting irons would not allow me to stretch myself at full length on my back. I could sleep on my back by contracting my legs. I could not lie at full length on either side without contracting my legs. I could not stand upright with the irons on. The basil of the irons would not slip up my legs, and the chains were too short to allow me to stand upright. I was never measured for the irons; and Sudds' collar was too small for his neck, and the basils for his legs, which were swollen. I never heard him say he had the dropsy in the West Indies. Sudds was turned out of the hospital the morning of the punishment, and taken to the barracks about an hour afterwards. Sudds was taken from the hospital to the Sessions on the 6th November; he appeared to be very ill, insomuch that the man who was hand-cuffed with him was obliged to sit down on the grass in the court-yard in order to enable him to lie down. He continued in that way till after his trial.

“After the yellow cloth and the irons were put on us in manner before mentioned, we were drummed out of the Regiment, the Rogue's March being played after us by two or three drummers and fifers. We were not drummed out in the usual way, which is, to put a rope about the neck, cut off the facings, and place a piece of paper on the back, with a description of the offence which the party may have committed. Instead of this, we had the chains on and the yellow clothing. On our return to the same ward in the jail, Sudds sat down with his back to the wall, saying, that he was very ill, and wished to go to the hospital again, but he did not go to the hospital till next morning. The basils of his irons cut his legs during the time we were coming from the barracks to the jail; it was owing to the sharpness of the basil and the weight of it that we were cut. The night of the day of punishment, Sudds was so ill that we were obliged to get a candle about eight o'clock from Wilson the under-jailer, in order to keep up a light during the night. I gave him some tea which I had purchased. About 10 o'clock he was very ill; I requested a fellow-prisoner to get up and look at him, thinking he was dying. The fellow-prisoner, whose name I do not know, did look at him, and said he was not dying,

but he did not think he would live long. I then asked Sudds if he had any friends to whom he would wish to write. He said he had a wife and child in Gloucestershire, and begged that, if he did not get better by the next night, I would read some pious book to him, adding, 'that they had put him in them irons until they had killed him.' "

No person can read this plain, unvarnished, but very affecting, tale without being forced to conclude that the soldier Sudds died of a broken heart. The *iron had entered into his soul*—and he died! The following is an extract of the Report of the medical officer of the Jail Hospital on the case :

Extract from Report on the Case of Joseph Sudds.

" On the 24th November, was admitted into the Jail Hospital; on admission, the irons in which he was confined were removed (immediately), and medicines administered. He refused sustenance of every kind, except a little tea ; and in talking to him of his disgrace, he declared he never would work in irons, and wished himself out of the world. Finding him in a state of delirium on the 26th instant, he was removed to the General Hospital, where he gradually became worse, and expired the following morning.

" After a minute dissection of the body, no apparent disease was found to exist to account for his immediate death.

"JAMES M'INTYRE."

The Executive Council, of which the Governor was President, endeavoured unsuccessfully to make out a case of neglect against the medical officer, and to establish the allegation of Sudds' having been previously labouring under a dropsical affection, of which due notice ought to have been given, but had not been given, to the Governor by that functionary. But there was no evidence of any thing of the kind. There had been no previous *bodily* disease to cause death.

The following is an extract of the Governor's despatch on the subject, to Earl Bathurst, of date 4th December, 1826:—

*Extract from General Darling's Letter to Earl Bathurst,
4th Dec. 1826.*

"Several men of the 57th Regiment (seven in number), having committed robberies and maimed themselves, with the avowed intention of obtaining their discharge from the service, I judged it necessary to take such steps as might have the effect of deterring others from any similar attempt. Accordingly, on the conviction of *Sudds* and *Thompson*, the last of these men who were tried, I was induced, as a means of producing the greater effect on the soldiers in general, to direct, that instead of being transported to a penal settlement for seven years, according to their sentence, they should be worked on the roads in chains, and I prepared an Order to be issued on the occasion, with a view of rendering their removal from their corps as impressive as possible.

"The prisoner '*Sudds*' was sent to the hospital on the following day, Thursday the 23rd, and died on Monday the 27th ultimo. However much the event is to be regretted, it cannot be imputed to severity; none was practised or intended. The only deviation from the usual course of proceeding in the case of *Sudds* and *Thompson*, was, that instead of the chains being put on in the jail, the act was performed in a more ceremonious manner, in presence of the garrison, as a necessary example to the troops. With respect to the chains, which are designated *instruments of torture*, it will be sufficient to state, that they weigh only 13lbs. 12oz.; and though made with a view of producing an effect on those who were to witness the ceremony, the extreme lightness of their construction prevented their being injurious in any respect to the individual."

There is something exceedingly heartless in the manner in which the Governor speaks in this letter of the "ceremony," as he calls it, and of the "extreme lightness" of the irons, which, he says, "weighed only 13lbs. 12oz." It was ascertained, however, that although *Thompson's* irons were of this weight, those made for *Sudds* weighed 14lbs. 6oz. But the irons that were usually made for the road gangs in the colony at the time did not weigh more than from 6 to 9 lbs., while those brought out for convicts on board prison ships from England, weighed only from 3½ lbs. to 4 lbs. The physical torture which the unfortunate man must have experienced from such a load of iron on his limbs and

neck, under a burning sun, must unquestionably have greatly aggravated the mental anguish he was suffering under. His own account of the matter is plain enough, and can never be explained away: "They have put me in them irons until they have killed me!"

The death of Sudds was a most unfortunate and unlooked-for termination of the case of the two soldiers, as far as the Governor was concerned: still, however, as it was evident that there was no ground for the imputation of improper motives, if a fair statement of the case had been indirectly given on the part of the Government — admitting the error of judgment which evil-disposed persons were now beginning to discover, and lamenting the unfortunate and unforeseen issue of the affair, — the matter would very soon have been forgotten, and disaffection itself would have been entirely disarmed.

General Darling, however, was peculiarly unfortunate at the time in question in having a supporter, forsooth, in the person of the late Mr. Robert Howe, editor of the "Sydney Gazette." This redoubtable champion of the Colonial Government, in a spirit of absolute infatuation, which the local Government appear to have encouraged, listened with the utmost eagerness to the first murmurs of disapprobation, and not only commenced a regular defence of the measures adopted by the Colonial Government in the case of the two soldiers, and held them forth to the colony as highly proper and praiseworthy, but ever and anon launched forth whole paragraphs of the most provoking and unprovoked personal vituperation at the heads of all and sundry who presumed to think, or speak, or write otherwise.

This was more than human nature unaided by Divine grace could be expected to endure; and accordingly Dr. Wardell, a colonial barrister of eminent talent, who was then the editor of the "Australian" newspaper, and whose frail nature had evidently no such supernatural assistance, gradually discovered more and more illegality

and more and more enormity in the Governor's procedure, till he came at length to write of it in a style and manner to the last degree unjustifiable and unbecoming. The "Australian" newspaper subsequently passed into other hands of far inferior ability, in which, however, its lack of talent was abundantly compensated by the plenitude and the depth of its vituperation. The "Sydney Gazette" happened also to fall into the hands of other editors, who in this particular inherited the principles and followed the steps of their predecessor; and the "Monitor," a third colonial newspaper, conducted on the principles, and as much as possible in the style of the late Mr. Cobbett, appeared in the mean time on the colonial carpet, and, summoning the whole prison population to contemplate the contest, fiercely threw down the gauntlet of opposition. On this high and dignified arena, where "Greek met Greek," forsooth, the case of Sudds and Thompson continued, during the last five years of General Darling's administration, to afford an inexhaustible subject for the display of every thing but the common proprieties of literary warfare: it constituted the dead weight of every paragraph, and the burden of every song. The Governor was defended, forsooth, and bepraised on the one hand with all the nauseating fulsomeness of literary prostitution*; he was attacked on the other with absolute and incessant scurrility. If he had been an angel of light, and if his government had transformed the colony from a frightful solitude to a blooming Eden, stronger language of commendation relative to his person and government could not have been used than that which one department of the colonial press absurdly and perseveringly employed in his praise: if he had been a murderer and a parricide—if his government had reduced the colony from a paradise to a pandemonium, he could

* "He that has flattery ready for all whom the vicissitudes of the world happen to exalt, must be scorned as a prostituted mind."
—*Johnson's Life of Waller.*

not have been spoken of in more opprobrious language than other departments of that press used respecting him; nor could more strenuous and unremitting efforts have been made to bring his person and administration into utter contempt.

From the preceding statement it will doubtless appear sufficiently obvious, that General Darling was himself greatly to blame in reference to this undignified contest. It was the "Sydney Gazette" that originated and provoked the discussion; and as that paper was virtually paid by the Government during General Darling's administration, being supported in great measure by Government patronage, it was fully in the Governor's power to have commanded silence in that quarter, on a subject on which silence alone could have been expressive of his praise. But as General Darling lacked magnanimity in the first instance to disclaim the attribute of infallibility, by not allowing it to be even hinted that he could possibly err, so he afterwards lacked discernment to perceive that unmerited commendation was only censure of the worst species in disguise: and in reference to the scenes of crimination and recrimination that ensued in the public press of the colony, it cannot be denied that, if the Governor had good reason to complain, as he did so loudly in the sequel, that the Opposition papers had given him many ungentlemanly knocks, their editors could retort that he had himself dealt the first vulgar blow.

One of the first acts of the succeeding Governor, Major-General Sir Richard Bourke, was to disclaim every sort of connection with the colonial press, by causing a Government Gazette, for Government advertisements exclusively, to be published weekly, and by offering the whole of the Government printing to the lowest bidder. It was an act of the wisest policy, and one in which Sir Richard Bourke doubtless consulted his own peace of mind, as well as the general welfare of the colony; for nothing could be more thoroughly subversive both of

public tranquillity and of domestic enjoyment than the system pursued in reference to the colonial newspapers during the government of his predecessor.

The impolicy of General Darling's procedure, in regard to the newspapers of the colony, amounted even to a want of common sense. Mr. Edward Smith Hall, the editor of the "Monitor," had arrived in New South Wales as a free emigrant during the government of Major-General Macquarie; and, besides having uniformly borne an unblemished private character, he had deserved well of the colony in having reared a numerous and virtuous family: his property was by no means extensive, and, like that of most proprietors in the colony, it consisted chiefly of land and cattle. In the genial climate of New South Wales, the latter increase at a rate quite unparalleled in Europe; and the proprietor of a moderate extent of land is therefore obliged, in the course of a few years after he has formed his settlement in the forest, to look beyond the boundaries of his own property for fresh pasture for his rapidly increasing herds. To meet cases of this description, General Darling had very properly allowed proprietors to rent extensive tracts of unlocated crown land, for periods of six or twelve months, at the rate of two shillings and sixpence per annum for every hundred acres; but on Mr. Hall's applying for a lease of this kind, it was peremptorily refused; and, on asking the reason why, he was told that the circumstance of his being the editor of the "Monitor" was a sufficient reason to disentitle him to any indulgence from the Government. Mr. Hall had been rather moderate in his opposition up to this period; but whether he had been so or not, it was just the time for the Governor to have disarmed that Opposition of its virulence for the future, by doing him an act of common justice, if not of generosity.

This act of egregious impolicy was followed up by another, which had much the appearance of vindictive-

ness. Mr. Hall had a convict compositor in his employment, who had been assigned to him agreeably to the Government regulations; but, in contrariety to the uniform practice in such cases, the man was *resumed* by the Government; for this was the word made use of on the occasion, to designate an act which up to that period had no distinctive name in the colony, from its having been previously unpractised and unknown.

When a Government condescends in this manner to enter the lists with a private individual, that individual immediately acquires a notoriety, and assumes an importance in the estimation of the public, which his own native energies could never have procured him. I question whether Mr. Hall's paper had sufficient buoyancy to have kept it above water till the close of General Darling's administration, had he not been enabled to do so by the Governor: for when a General in the Army stoops to place himself in the attitude of a common boxer, who is there so devoid of curiosity as not to be desirous of witnessing the fight?

It was unfortunate, however, for the colonial public, that the Opposition papers of the colony, during the government of General Darling, were by no means distinguished for that scrupulous regard to truth, without which no person can merit the confidence of the public. There was a rabid desire to publish whatever had a tendency to bring either the Governor, or persons in any way connected with the Government, into general disfavour; and information of this kind was accordingly received with the utmost eagerness, and often without the least regard to the character of the quarter from which it came. It fared, therefore, with the Opposition editors as it did with the shepherd-boy in the fable, who was perpetually bawling out "*a wolf! a wolf!*" — they lost the confidence of persons of moderate principles, and were consequently left with but slight sympathy to

the difficulties of their situation : in short, the wolf came, but nobody turned out.

At the same time, it must be confessed, that the feverish condition of the body politic of the colony induced, during the latter part of General Darling's administration, through His Excellency's perpetual and unmanly squabbles with the colonial press, necessarily produced a state of general suspicion and distrust in the community at large; insonmuch that a man could neither converse openly nor dine with persons on the list of the proscribed, without indulging the fear of its being reported to his disadvantage at Government House. Nay, a remarkably good-natured old gentleman, whose political opinions, on any subject at all interesting to the fate of nations, no person of the least discernment would have thought it of the slightest importance to ascertain, actually shot himself, because he had incurred the Governor's displeasure through his acceptance, on some occasion or other, of Radical hospitality. In short, to compare small things with great, the administration of General Darling was the *Reign of Terror* in New South Wales.

The alleged licentiousness of the colonial press during the government of General Darling, or rather the state of feverish annoyance in which the Governor was perpetually kept by its personal attacks on himself, induced him to pass certain acts affecting the press of the colony, which were designated by the Opposition editors *The Gagging acts*, and which only tended to render their personalities more provokingly offensive.* In the mean

* The late John Macarthur, Esq., who was a member of the Legislative Council during the government of General Darling, proposed, as a regular *quietus* for the colonial press, that a Stamp Act should be passed, subjecting every newspaper to a duty of ONE SHILLING only! He told me the circumstance himself: but this was too much even for General Darling. Mr. Macarthur had at one time been sufficiently *liberal* in his sentiments to take a pro-

time, W. C. Wentworth, Esq.*, a native of the colony, and at that time the favourite barrister of all the newspaper patriots of New South Wales, prepared and forwarded to England certain charges against General Darling, in the Sudds and Thompson case, which were known and described in the colony as an impeachment of the Governor; and it was even given out that Mr. Wentworth intended to *dog* His Excellency to England, on his retirement from the government of the colony, to prosecute him on these charges before the High Court of Parliament. This prodigious display of *intended* patriotism naturally afforded an excellent handle to the colonial press; and the mention of the impeachment in a variety of ways in the colonial newspapers led to a series of prosecutions for libel in the Supreme Court of the colony; the result of which was, that all the three editors were repeatedly cast and fined, while those of the Opposition newspapers were besides subjected to a long imprisonment in the common jail. Mr. Wentworth, however, is one of those equivocal patriots whose zeal for the interests of his country always evaporates in declamatory speeches and empty professions, and is never embodied in vigorous and manly action. If he really believed General Darling to have been the murderer of Sudds, as he openly accused him of being for years in succession—taking amazing credit all the while for the self-denial and patriotism of the thing—it was his bounden duty, after all he had said and done on the subject, to have followed the grand criminal to England to substantiate his charge. To prefer such a charge against any man—and especially a man occupying the high position of the Representative of the Sovereign—and to allow it to come to nothing, from not following it up by

minent part in overturning the alleged tyrannical government of Admiral Bligh; but he was of that class of liberals, who—

“Turk-like, can bear no brother near the throne.”

* Now one of the Members of Council for the City of Sydney.

any definite course of action, is a crime against society. Mr. Wentworth did indeed exhibit his patriotism on the occasion of General Darling's departure from the colony, in a way that doubtless occasioned him less personal hardship than a voyage to England; for, like a true patriot who did not disdain the meanness of a vulgar triumph, he entertained a party of friends on the day of the Governor's embarkation, to celebrate the auspicious event, while all and sundry the *canaille* of Sydney* were

* I use this phrase advisedly: at the period in question, these persons, whose procedure on this occasion fully justifies the designation I have given them, were exclusively emancipists; whose universal and unqualified support Mr. Wentworth repaid at the time, by loudly advocating a five pound franchise *for the people*. But *now* that a large majority of the inhabitants of Sydney consists of reputable free emigrants, who refuse to burn incense to the emancipist idol, and who will not suffer themselves to be tamely cheated out of their rights as British freemen by a mere clique of turn-coats and political swindlers, of whom Mr. Wentworth is one, that gentleman treats them with the most opprobrious epithets—gratuitously calling them Communists, Socialists, Democrats, for whom even a twenty pound franchise is a great deal too low! If it is true, as Sir Robert Walpole asserts it is, from his own great experience of human nature, that every man has his price, the present local Government of New South Wales appears to have discovered Mr. Wentworth's. But of all political characters, the *liberal* turned *absolute* is the most contemptible. The late Sir Francis Burdett was perhaps the sample specimen of the class; but there was this to be said in favour of the old baronet, that it was not till he had got into his dotage that he turned his back upon himself.

In his so-called impeachment of General Darling, Mr. Wentworth had charged his Excellency with the establishment or encouragement of a system of *espionage*, which, I admit, did prevail at the time. General Darling scarcely denies "the soft impeachment," but gets out of it in the following apologetic manner, in his despatch to the Right Honourable Sir George Murray, of date 28th May, 1827.

"As to the system of 'espionage,' which Mr. Wentworth asserts is established, if correct, it would be fully justified in the mind of every man who has any knowledge of Mr. Wentworth, Captain

permitted to partake of his indiscriminate hospitality in front of his residence. The guests on that occasion, doubtless those of the latter description, evinced their extreme delicacy and propriety of feeling by grossly insulting General Darling's family, as they passed, on their return to Sydney, alongside the vessel in which they were then lying in the harbour ready for sea. These particulars may perhaps appear uninteresting to the general reader; but they will at least show him of what materials the *richest and rarest gems* of Australian patriotism of the olden times were composed.

General Darling embarked for England on the 22nd of October, 1831, having administered the affairs of the colony for nearly six years.

After his return to England, and in consequence of reiterated representations from individuals who had either been opposed to his government, or had fancied themselves deeply injured through his measures, various attempts were made in the House of Commons to procure the appointment of a Parliamentary Committee to investigate the charges laid against him. Mr. Maurice O'Connell succeeded at length in this object, and procured the appointment of a Parliamentary Committee in the year 1835: but as that Committee were particularly instructed, on the motion of Lord John Russell, not to interfere with the case of Captain Robison, an officer who had undoubtedly been harshly used, if not absolutely ruined, by General Darling, (although it must be acknowledged that he had himself acted with extreme imprudence,) and as there was no evidence adduced to substantiate the other charges, he was honourably acquitted, and received from His late Majesty, as a token

Robison, and a few of their factious and seditious associates, who are infinitely more dangerous to the peace and tranquillity of the colony, than the convicted felons, against whom every one is naturally on his guard."

of his royal favour on the occasion, the honour of knighthood.

It would be preposterous to attach the slightest degree of importance to the result of this ill-advised and uncalled-for proceeding, on the part of Mr. Maurice O'Connell and his colonial prompters, in endeavouring to ascertain the exact merits or demerits of Sir Ralph Darling as a Governor of New South Wales. The conduct of a British Governor at the extremity of the globe must be peculiarly flagrant, if it cannot be sheltered from the condemnation of a Parliamentary Committee assembled in London. That there were no grounds sufficient to authorize the appointment of such a Committee, in the case in question, I willingly admit; but that the verdict of honourable acquittal, pronounced by that Committee, is to be received and interpreted by the public as an authoritative declaration that Sir Ralph Darling was a good Governor, or that he did what he ought to have done, and what it was fully in his power to do, for the general advancement of the people of his government,—I must use the freedom to deny. It is at the bar of public opinion, and not merely by Parliamentary Committees, which in such cases are a mere *sham*, that Governors are to be tried, and their merits or demerits estimated and determined; and I should be sorry indeed, on behalf of the best interests of my adopted country, if the ill-advised and uncalled-for attempt at Parliamentary investigation in the case of Sir Ralph Darling should ever preclude an appeal to that bar in the case of any future Governor of New South Wales.

The first considerable immigration of reputable free emigrants of the working classes from the mother country took place towards the close of General Darling's administration. The Governor having rather ungraciously refused me, on the part of Government, the necessary facilities for the establishment of an Academical Institution or College in the town of Sydney, partly for the

general education of youth, and partly to enable young men preparing for the ministry to obtain the requisite preliminary education in the classics and liberal arts, I undertook a voyage to England in the latter part of the year 1830, to endeavour to accomplish the object there. Lord Goderich was then Principal Secretary of State for the colonies, and Lord Howick, now Earl Grey, Under Secretary ; to whom I accordingly addressed my application for the requisite assistance from the Colonial funds towards the erection of the necessary buildings, which, I am happy to add, proved successful : the Colonial Government being directed by the Secretary of State to advance for the purpose, on condition of a similar amount being previously expended by the promoters of the undertaking, the sum of 3500*l.* from the Colonial Treasury.

Rick-burning and machine-breaking happened to be unusually prevalent in England at the time I refer to ; and there was much suffering also among the working classes, from the want of remunerating employment. Contrasting this state of things with the state of general prosperity which I had myself so recently observed in New South Wales, where there was at the same time a great want of mechanical labour, and where the actual mechanics, being almost exclusively emancipated convicts, were generally dissipated in their habits, and unskilful as well as untrustworthy and dishonest in their respective crafts, I proposed to Lord Goderich that, if he would authorise 1500*l.* of the proposed grant to be paid on my arrival in New South Wales, on condition that no further portion of it should be advanced till the expenditure of an equal amount by the promoters of the undertaking, I would select and carry out with me a number of Scotch mechanics of superior character and ability, whose passage out was to be paid from this advance, to erect the necessary buildings. Lord Goderich acceded to this proposal, and I accordingly selected and carried out from fifty to sixty families of Scotch mechanics, — stonemasons,

carpenters, blacksmiths, plaisterers, &c. — who arrived in the colony per the ship *Stirling Castle*, in the month of October, 1831.

These mechanics were under engagement to be employed for twelve months certain, from the period of their arrival, *at the regular wages of the colony**, on condition of their paying back from their weekly earnings such an amount as it should be found they could easily spare towards the repayment of their passage out, which was fixed at 25*l.* each, — a low rate at that period, the previous cost of a steerage passage having been from 35*l.* to 40*l.* They were set to work immediately on their arrival; the wages of mechanics being then 2*l.* per week, and butcher meat being a penny a pound, and other articles of subsistence — flour, tea, and sugar — equally reasonable. The married men rented suitable cottages for their families wherever they could in the town and neighbourhood of Sydney, and the unmarried either boarded with them or with such other families of their own class as they could find. One of the latter, a Scotch carpenter from Fifeshire, who had been allowed to go upon his own hands, almost from the first, regularly paid a pound a week from his wages

* It has been a frequent complaint on the part of the colonial *aristocracy*, that free emigrants of the working classes, who have been brought out to the colony under engagements for a term of years, do not stand to their engagements, but contrive to get rid of them after their arrival. But the practice with such employers has generally been to engage the intending emigrant in the mother country at a much lower rate of wages than he would have received in the colony if he had been his own master, and free to bind himself to whomsoever he pleased, — and no wonder if a spirit of over-reaching, amounting almost to actual fraud on the one hand, should be followed, as it has doubtless been in many instances, by breach of faith and absolute dishonesty on the other. Let the emigrant know that he has been dealt justly by, and that he is placed in precisely the same situation as other workmen or labourers in the colony, and he will be under no temptation to break through his engagement. In short, *Honesty is the best policy*: and the maxim is as good and necessary for the master, as it is for the man.

till his whole debt was paid; and one Saturday evening, when he had called on me with his weekly pound, and I had asked him how he found he could get on in the colony, he told me, in reply, that he could afford to pay a pound a week from his wages, and be much better off with the remainder, than he could have been in Scotland altogether; for, as his board and lodging cost him only ten shillings a week, while the "leevin" (living) was much better than at home, he had the other ten shillings for other purposes. A few years ago this honest man, who had remained unmarried during his residence in the colony, had accumulated what he considered *a competent portion of the good things of this life**, to enable him to spend the remainder of his days in comparative affluence in his native land; and he accordingly left the colony and returned to Scotland. Being much respected among his own class in Sydney, the other Scotch mechanics gave him a supper on his departure, with some other more substantial token of their esteem.

As a specimen, however, of the bitter feeling that had grown up in the colony at this period among the Emancipists generally, under the fostering care of Governor Macquarie, towards the whole class of free emigrants, and of the exorbitant views and pretensions of these people, the Scotch mechanics per the *Stirling Castle* were for months after their arrival regularly assailed, from the houses of the lower class of the Emancipists, as they passed to and from their work at the breakfast and dinner hours, with such observations as these, — "There go these bloody emigrants who have come out to take the country from us." But as the mechanics took all this very patiently, their inoffensive demeanour gradually disarmed hostility and conciliated general respect. Being fully alive, moreover, to the advantages of their position, instead of spending their weekly earnings, like the eman-

* The Westminster Assembly's Shorter Catechism.

cipist mechanics, in riotous dissipation, they clubbed together, as soon as they had any thing to spare for the future, and bought eligible allotments of ground, and built substantial houses in the town of Sydney, in which they lived thenceforward "rent-free;" and as first one and then another sold out from these associations, to invest their savings in some other more advantageous speculation elsewhere, a valuable property was created for those who remained. In short, the Scotch mechanics per the *Stirling Castle* were universally respected in the colony, and a considerable number of them are now among the most substantial of its middle class proprietors. Besides, whereas they found the town of Sydney a paltry collection of shabby brick houses and wooden sheds, they created a taste for architecture of a superior description, and afforded the means of indulging it; insomuch that there is now in that city and its vicinity a larger number of public and private buildings of polished stone than perhaps in any city of the same population in England.

I foresaw from the first that the tidings of the great success which, I felt confident, would attend the efforts and industry of men like the emigrants per the *Stirling Castle*, would in due time work wonders for the moral reformation as well as for the social advancement of the colony. Accordingly, as soon as the tidings of the state of things which they had found in New South Wales reached Scotland, numerous friends and acquaintances of the original body of emigrants followed them in private ships at their own expense; and when the Local Government was enabled, some time thereafter, to offer free passages to the colony to reputable mechanics in the mother country, from the proceeds of the Colonial Land Revenue, the emigrant vessels were filled with the greatest facility. One of these vessels, having on board a full cargo of stonemasons, carpenters, &c., with their wives and families from Dundee in Scotland, happened to arrive with some cases of typhus fever on board, and

was placed in quarantine. The quarantine ground is immediately behind the north head of Port Jackson, where a line of lofty precipitous cliffs of sandstone rises perpendicularly from the Pacific. One of the stone-masons, contemplating the scene for the first time on entering the noble harbour, and observing the abundance of first-rate material which it presented for the labours of his craft, observed, in ecstasy to a fellow countryman, "Man, this is a gran' kintra for stane."*

But there was another important object which I had in view in projecting and organizing the emigration per the *Stirling Castle*. Previous to this period there were only two classes in the colony—the free emigrant gentlemen settlers, with their large grants of land of from one to two thousand acres or upwards, their flocks and herds, and their numerous convict servants. These were, in their own estimation at least, the aristocracy of the colony, and not a few of their number set but an indifferent example to those beneath them. The other class consisted exclusively of the emancipated convict labourers and mechanics who were congregated chiefly in the colonial towns; performing the labour of the community when they chose and at what rates they pleased, and drinking the rum of the community whenever they could procure it. In such circumstances it appeared to me that the formation of a middle class in the colony, such as that of which the emigrants per the *Stirling Castle* formed the rudiments, was indispensably necessary to its moral welfare and social advancement. And the result has fully justified this anticipation. From this period, the emancipated convict mechanics gradually disappeared from the face of society in the towns, being replaced by skilled labour of a more reputable character from the mother country; and being thus, in the natural course of events, pressed down to a lower level in the scale, they

* This is an excellent country for stone.

were obliged either to reform their habits or to be off to the interior. There are few towns in England in which the great body of the mechanics, of all handicrafts, form a more intelligent or a more reputable class than they have done in Sydney for many years past.

It will doubtless be supposed by the reader that in working out the transcendantly important experiment that was thus in progress, I would receive all the countenance and assistance that was requisite to enable me to comply with the conditions imposed by Lord Goderich, from the Colonial Government as well as from the colonial public. He would be very ignorant, however, of human nature, and more especially of the nature and character of colonial Government, who should seriously think so. The arrangement which I had been enabled to make for the advancement of education with the Colonial Office in England had been looked at in certain influential quarters in the colony with an evil eye; and every difficulty that could be conjured up to prevent the fulfilment of the Government conditions, or to render them inoperative for the attainment of the end in view, was accordingly made available for the purpose; and I was consequently driven to my wits' end to raise the necessary funds for carrying on the undertaking. From the early period of their emigration to the colony, my relatives had acquired considerable property which had in the mean time principally fallen to me. To supply these funds I was accordingly obliged to sell, at a serious undervalue in most cases, house after house, and town allotment after town allotment in Sydney, and one valuable property after another in the interior, and at length to undertake another voyage to England in the year 1833. But it is only in such mortal struggles that one undergoes the discipline and acquires the hardihood that are perhaps indispensably necessary to enable him to strive successfully with the powers of evil in their more malignant developments in the colonial field. Whether such discipline

and hardihood were needed in my own case particularly, the reader will find in the sequel.

The progress of Geographical discovery in the interior of New South Wales during the government of Sir Ralph Darling presents us with several very important results.

The disappearance of the river Macquarie in an extensive marsh in the western interior,—a point which had been ascertained by Mr. Oxley during the government of Major-General Macquarie,—had given rise to many and contradictory conjectures, in regard to the general conformation of the Australian continent, among men of science in the European world. Mr. Oxley's opinion was, that the ocean of reeds in which he had suddenly lost all traces of the river was part of a vast inland sea, which occupied the interior of the continent, and from which there was no outlet to the coast; and as the river Lachlan, which also pursues a westerly course considerably to the southward of the Macquarie, was also ascertained by the same officer to lose itself in a similar way, this opinion was regarded as extremely probable; and the vast *terra incognita* of Australia was of consequence supposed to resemble a Scotch peasant's bonnet turned upside down, or a shallow basin made for *holding water*.

During the long drought that afflicted the colony in the course of Sir Ralph Darling's administration, it occurred to the Governor that a favourable opportunity was at length afforded for examining the interior marshes discovered by Mr. Oxley, and for ascertaining the actual fate of the river which had been so strangely reported by that gentleman to have committed an act of *felo de se* in the wilderness of Australia. An expedition was accordingly fitted out for the express purpose of examining the marshes of the Macquarie, under the command of Captain Sturt, of His Majesty's 39th Regiment, who was accompanied by the enterprising native of the colony I have already mentioned, Mr. Hamilton Hume. In the

course of his journey, during which the whole party experienced much suffering and privation from the excessive heat of the weather and the afflictive character of the drought, Captain Sturt ascertained that the marsh in which Mr. Oxley had lost the river was only of moderate extent — fifty miles in length and twenty in breadth — and that there was no such inland sea as that gentleman had supposed. To the northward, however, a chain of ponds was discovered communicating with the dry bed of a torrent, whose channel was evidently intended to carry off the overflowings of the marshes in rainy seasons, and which Captain Sturt therefore very properly considered as the re-appearance of the Macquarie. This river, or rather torrent, was traced for a considerable distance in a northerly direction, and was found to communicate with a much larger river than the Macquarie, which Captain Sturt named the Darling, but of which the water was as salt as that of the ocean, from numerous brine-springs on its banks. Captain Sturt traced the Darling ninety miles from the point where it received the drainings of the marshes of the Macquarie; its course from that point being first north-westerly, but afterwards south-westerly. In the lower part of its ascertained course it was sixty yards in width in the extremity of the drought, and it was flowing to the southward in majestic loneliness, when Captain Sturt was reluctantly obliged to discontinue its examination, and to return with the expedition to the colony.

In the course of a second journey to the northward, undertaken in the year 1827, and extending as far as the latitude of Moreton Bay, Mr. Allan Cunningham, of whom I have already had occasion to make honourable mention, crossed four considerable streams, two of which he named the Gwydir and the Dumaresq, of which, however, the course and the fate (to use a phrase peculiarly applicable to the western rivers of Australia) remained to be ascertained by subsequent discovery. In this journey,

that enterprising and indefatigable traveller traversed the interior for an extent of five degrees of latitude to the westward of the coast range of mountains, and, besides various other tracts of available pastoral country, which are now all occupied by the numerous flocks and herds of the colonists, he discovered an extensive and splendid tract of land of the first quality either for pasture or for agriculture, which he named *The Darling Downs*, in the latitude of Moreton Bay. These Downs, which are nearly two thousand feet above the level of the sea, are now all studded over with the stock stations of the colonists, and have been since ascertained to extend in length about a hundred and twenty miles, and in breadth from thirty to fifty.

Observing a remarkable gap in the coast range of mountains from his encampment on the Downs, about the 28th parallel of latitude, Mr. Cunningham proceeded to Moreton Bay during the following year, to ascertain whether a passage inland could not be effected from the coast, as well as to explore the intervening country. In this expedition Mr. Cunningham discovered a considerable tract of land of first-rate quality to the eastward of the mountains, and crossed over to the Downs by the gap he had previously discovered, which is now called Cunningham's Gap. It is a remarkable cleft in the mountains, which are there about 4000 feet high, presenting a wall of perpendicular rock on each side, as if it had been cut on purpose to form a road from the coast.

I have already observed, that during the government of Major-General Macquarie, a river of considerable magnitude, called the Murrumbidgee, had been discovered flowing with a rapid westerly course from the elevated table-land to the southward and westward of Port Jackson. Highly favourable accounts reached the colony from time to time of the country on the banks of this river; and the interesting report that was given by two gentlemen of the district of Bathurst, who had traced it

for one hundred and fifty miles beyond the farthest cattle-station in the interior, served only to increase the mystery in which its fate was enveloped, and to heighten the general desire to ascertain whether it ultimately reached the surrounding ocean. An expedition of discovery was accordingly fitted out to proceed down the Murrumbidgee, in the month of November, 1829, of which Captain Sturt, who had shortly before ascertained the termination of the river Macquarie, and the existence of a still larger river in the western interior, with so much credit to himself and so much satisfaction to the colony, was entrusted with the command.

In the upper part of its course the Murrumbidgee traverses a country consisting chiefly of grassy hills and romantic valleys, well fitted for the residence and subsistence of civilized man. Along the course of the river there is a succession of flats, some on the right, and others on the left bank of the stream; some of larger, and others of smaller extent, which, according to Captain Sturt, "for richness of soil, and for abundance of pasture, can no where be excelled." Farther to the westward the country is of an inferior character; and on approaching the meridian on which the Lachlan river had been ascertained by Mr. Oxley to disappear in an extensive marsh, considerably to the northward, it exhibits the aspect of absolute sterility and hopeless desolation. It would seem, indeed, that the overflowings of the marshes of the Lachlan are carried off by a series of insignificant rills into the bed of the Murrumbidgee, just as those of the marshes of the Macquarie are left to find their way into the channel of the Darling. About fifty miles to the westward of these marshes, the Murrumbidgee empties its diminished current into a noble river flowing from the eastward, to which Captain Sturt gave the name of *The Murray*. At the point where it receives the Murrumbidgee, the Murray is about three hundred and fifty feet in width, and from twelve to twenty in depth. "Its

reaches," says Captain Sturt, "were from half to three quarters of a mile in length, and the views upon it were splendid: its transparent waters were running over a sandy bed at the rate of two and a half knots an hour; and its banks, although averaging eighteen feet in height, were evidently subject to floods." "The river," adds the same intelligent traveller, in a subsequent paragraph, "improved upon us at every mile: its reaches were of noble breadth and splendid appearance: its current was stronger, and it was fed by numerous springs."*

The Murray has since been ascertained to be formed from the confluence of the three rivers already mentioned, that were discovered and crossed by Messrs. Hovell and Hume on their expedition to Port Phillip in the year 1824; and it constitutes the common receptacle of the western waters of the south-east angle of the continent of Australia. From its junction with the Murrumbidgee, it flows in a west-north-westerly direction for about fifty or sixty miles, and is then joined by a noble river of a hundred yards in width flowing from the northward, which Captain Sturt supposed to be the Darling—the common receptacle of the western waters from the twenty-ninth parallel of south latitude. From the point of its junction with the latter river, the Murray pursues a north-westerly course for about fifty or sixty miles farther, and then flows due south for the remainder of its course; terminating at length in an extensive lake on the southern coast, near the gulf of St. Vincent.

The lake Alexandrina (for such was the name by which Captain Sturt designated the noble sheet of water into which the Murray disembogues its current) is sixty miles in length and forty in breadth, and is situated to the eastward of the gulf of St. Vincent, between the

* "Two Expeditions into the Interior of Southern Australia, &c. By Captain Charles Sturt, Thirty-ninth Foot." London, 1833. *passim*.

one hundred and thirty-ninth and one hundred and fortieth degrees of east longitude on the southern coast of Australia. It communicates with the ocean in Encounter Bay by a narrow channel, impracticable even for boats; and it has since been ascertained that there is no navigable outlet in any other direction. Some time after Captain Sturt's expedition, Captain Barker, a meritorious officer, also of the Thirty-ninth Regiment, who was then Commandant at King George's Sound, was ordered by General Darling to examine the southern coast in the vicinity of the lake, on his return to Headquarters, after the transference of that settlement to the colony of Swan River: but that unfortunate officer being, it would seem, zealous overmuch in the discharge of his duty, was speared by the black natives when separated from the rest of his party by a narrow inlet on the coast, across which he had swum alone to examine the beach on the opposite shore.

"The valley of the Murray, at its entrance," says Captain Sturt, "cannot be less than four miles in breadth. The river does not occupy the centre, but inclines to either side, according to its windings; and thus the flats are of greater or less extent, according to the distance of the river from the base of the hills."

And again, "If the valley of the Murray is not subject to flood, it has only recently gained a height above the influence of the river, and still retains all the character of flooded land. In either case, however, it contains land that is of the very richest kind—soil that is the pure accumulation of vegetable matter, and is as black as ebony. If its hundreds of thousands of acres were practically available, I should not hesitate to pronounce it one of the richest spots of equal extent on earth, and highly favoured in other respects."*

* Captain Sturt seems to have forgotten that one of the most fertile, most populous, and earliest settled tracts in New South Wales is subject to floods in a high degree—I allude to the valley

The portion of the southern coast of the Australian continent, which includes Spencer's and St. Vincent's gulfs, two very deep indentations of the land from the Great Southern Ocean, together with the Lake Alexandria and the valley of the Murray in the lower part of its course, is now comprehended within the territory of the colony of South Australia; and it will doubtless be gratifying to the reader to learn that, in consideration of the very important services which Captain Sturt had rendered to that colony, in this memorable expedition of discovery from New South Wales, as well as in consideration of his equally eminent services on a subsequent expedition into Central Australia, its legislature has, during its very first session, done itself signal honour by awarding to that meritorious officer a pension of six hundred a year.

That officer, I may add, has doubtless merited well also of the colony of New South Wales, not only for the important discoveries he effected in the interior of Australia, but for the skill and judiciousness with which he conducted the two expeditions under his command, in the perilous and trying service in which he was engaged. For not only did he bring back the whole of his party on both occasions without losing a man; but his intercourse with the numerous and sometimes troublesome and even hostile natives, with whom he came in frequent

of the Hawkesbury. The availableness of land in New South Wales does not depend on its being beyond the reach of inundations, as Captain Sturt appears to intimate: on the contrary, the small settler or agriculturist *prefers* land for the purposes of cultivation that is occasionally flooded, to forest-land beyond the reach of floods. On the other hand, it cannot be supposed that a river with so wide an embouchure as the Murray should inundate the level country on its banks to any great depth. The valley may be occasionally under water, but the floods cannot be at all comparable with those of the Hawkesbury, where the occasional occurrence of inundations is no obstacle whatever to the occupation and cultivation of the land formed by their deposits.

and dangerous contact in the course of his second expedition, was uniformly managed without bloodshed.

As the population of the colony amounted, in the year 1828, according to the census of that year, to 36·598, while in 1833, the period of the first census of Sir Richard Bourke, it had increased to 60·861, the mean of these two numbers—viz. 48·729—may be taken as the amount of the population towards the close of the government of Sir Ralph Darling in the year 1831.

CHAPTER VIII.

STATE AND PROGRESS OF THE COLONY UNDER THE GOVERNMENT OF MAJOR-GENERAL SIR RICHARD BOURKE, K. C. B.

Justum et tenacem propositi virum. — HORACE.

Strictly just, but somewhat tenacious.

MAJOR-GENERAL Sir Richard Bourke, K.C.B., the eighth Governor of New South Wales, arrived in the colony on the 2nd of December, 1831; Colonel (afterwards Sir Patrick) Lindesay, of His Majesty's 39th Regiment, having discharged the duties of Acting-Governor during the short interval of six weeks that had elapsed after General Darling left the colony.

Sir Richard Bourke was originally educated for the law, but afterwards embraced the profession of arms. Of a capacious mind, and of superior intellectual acquirements, he was evidently capable of the most comprehensive views in matters of state-policy and civil government, though perhaps somewhat averse to the technicalities of practical detail. Strictly just and constitutionally humane, he was nevertheless inflexibly attached to his own opinions, and, like most military men, impatient of opposition or contradiction.

Sir Richard Bourke commenced his administration under the happiest auspices. The unpopularity of his predecessor, especially towards the close of his government, had disposed the colonists of all classes to welcome the new Governor with enthusiasm, and to put the most favourable construction on his general policy. Besides, at the period of his arrival, the colony was rapidly recovering from the effects of a drought of unprecedented

duration and unexampled severity, which, aggravated, as it had been, by a state of general and extreme depression, arising from the prodigious depreciation of property of every description, had for a time completely paralysed the energies of the community; and the colonists were consequently prepared to exert their energies again to the utmost, for the accomplishment of whatever object their circumstances should point out to them, as of peculiar importance, and in whatever direction a vigorous administration should lead the way.

Commencing his government in these favourable circumstances, Sir Richard Bourke exhibited at his outset in the colony much of the vigour and firmness of Governor Macquarie. The importance of a combination of such qualities, on the part of a ruler, to the general prosperity and the rapid advancement of a young colony, is incalculable. In the case of a man in authority evincing these high qualities of mind, as compared with the man of feeble and irresolute character, there is all the difference that there is in the case of a time-piece, when its main-spring is possessed on the one hand of the requisite strength and elasticity, and when it is neither strong nor elastic enough on the other to overcome the resistance of the inferior machinery. To continue the metaphor, the colonial time-piece was evidently a great deal too slow when Governor Bourke arrived in the colony: no sooner, however, was its regulator touched, even in the gentlest manner, than its rapidly accelerated movement became generally apparent.

The commencement of Sir Richard Bourke's administration was also peculiarly auspicious from the favourable circumstances in which he had been placed by the Home Government, in regard to the disposal of Crown land. All the former Governors of New South Wales had been empowered to grant portions of unlocated Crown land to private individuals — under certain specific restrictions, it is true, but in reality according to their own private

judgment, and virtually without any limitation. It cannot be supposed that so important a prerogative could be exercised in many cases, without giving great offence in particular quarters: charges of partiality or of injustice were accordingly urged against the Governors of the colony without intermission; for every person naturally thought himself fully entitled to the same extent of land as any other inhabitant of the colony, in similar circumstances, had obtained from the Government. An entirely new system, however, was introduced, by orders from Home, in the year 1831, in regard to the alienation of Crown land in the colony; the Governor being no longer authorized to grant land in any quantity or to any person whatever, except for schools, churches, glebes, or other public purposes. The only mode of alienating Crown lands from and after the period in question, was to be by sale at a public auction; but no land of this description was to be sold unless previously applied for by an intending purchaser; and that purchaser's intention to bid for a particular tract was always to be duly notified, although without giving the individual's name, in the Government Gazette, three months before the day of sale, excepting in the case of a recently arrived emigrant, when one month's notice was to be held sufficient. A minimum price for building allotments in Sydney and the other towns of the colony was to be fixed by the Surveyor General; the minimum price of five shillings an acre being fixed for all the other land in the territory.

Without entering at present into the discussion of the much-agitated question as to the propriety of this important and fundamental change in the whole colonial system in regard to the disposal of waste land, I shall simply state, what will probably be self-evident to the reader, that the operation and effect of these regulations, in relieving the Colonial Government of a load of invidious responsibility, and in depriving the discontented of a fruitful source of dissatisfaction, were not less

evident on the one hand than they were salutary on the other.

I have already stated that one of the earliest acts of Sir Richard Bourke's administration was to break off all connexion on the part of the Government with the colonial press. This was an act of which the policy was evident and unquestionable, and of which the colony has experienced the beneficial effects. The patronage which the Colonial Government had previously afforded the Sydney Gazette had naturally been regarded with no small degree of envy by the editors of the other colonial journals; and it not only enabled the latter to designate that paper, as they generally did, with some show of justice, *the Paid Official*, but to identify the Local Government with all the sentiments it promulgated. So long as this patronage was afforded, there was *matériel* enough in the colony for the construction of a systematic opposition to all the measures of Government, antecedently to the supposed discovery of any thing mischievous or oppressive in these measures themselves; and it only required the Government to make one decidedly false step, or the Government paper to give utterance to some exceptionable sentiment or some ill-timed adulation, to justify the editors of the other papers, in their own estimation, and in that of all their adherents, in affixing their heavy drag to the wheels of the colonial state-carriage, and in ever afterwards keeping it there with the utmost pertinacity, whether the horses were toiling up hill or galloping furiously down. In depriving the Sydney Gazette, therefore, of the patronage of Government, and in uniformly leaving the measures of his administration to speak for themselves, Sir Richard Bourke not only removed an apple of discord from the busy arena of colonial politics, but consulted his own peace of mind, and effectually promoted the general tranquillity of the colony. Nay, I am fully persuaded, that if Sir Ralph Darling had only pursued a similar course, he would have saved him-

self a world of annoyance, and his government would never have been distinguished in the annals of the colony by an *era of libels*.

It would be uninteresting to the general reader to have a list of the acts of Sir Richard Bourke's administration submitted to his inspection. In most of these acts His Excellency was rather passive than otherwise; doing merely what would have been done perhaps equally well by any man of intelligence in the situation he held; or, in other words, doing merely what the progressive advancement of the colony and the state of its anomalous society rendered necessary to be done. Indeed, the rapid progress and extension of the colony since the arrival of Sir Richard Bourke has necessarily rendered the personal character of the Governor a matter of much less importance to its future welfare than it uniformly was in the earlier period of its existence; and the stream of its history, ever widening and deepening in its course, will in all likelihood continue to flow for the future with but little reference to the Governor at all. At the same time, there were certain acts of Sir Richard Bourke's administration which were not only important in themselves, as they affected the interests of the colonists generally, but of so peculiar an aspect, as to stamp His Excellency's character both as a Governor and as a man. The acts I allude to were those especially that related to the distribution and coercion of the convict population; to the constitution of courts of justice; to the encouragement of immigration in accordance with the principle of the then recently established regulations in regard to the disposal of land; and to the promotion of general education and religious instruction throughout the territory.

Shortly after Sir Richard Bourke's arrival in the colony, he was given to understand, and ascertained on examination, that the punishments awarded by the colonial Benches of Magistrates, in the cases of convict servants accused of minor offences by their masters, were exceed-

ingly unequal, as compared with each other, and in many cases disproportioned to the offences committed, and unnecessarily severe. To establish something like uniformity, therefore, in the decisions of the colonial magistrates, and to afford the requisite protection to the convict, Sir Richard Bourke procured the enactment of a colonial law by the Legislative Council of the colony, restraining magistrates in petty sessions assembled from the infliction of more than fifty lashes for any one offence. Now, considering the lash as a thoroughly degrading and brutalizing species of punishment*, and knowing, as I do, that on the best-managed estates in the colony under the old penal system it was a punishment which was scarcely ever required, I was not disposed to regard the *Magistrates' or Fifty-lashes Act* as a serious offence on the part of the Governor; on the contrary, I regarded it from the first as highly creditable to his sense of justice and his enlightened humanity.

This famous act, however, was regarded with far different feelings by certain of the colonial proprietors, and especially by certain Tory relicts of General Darling's administration, who had been accustomed to a much more liberal application of the *Russian ultimatum*, and whom, perhaps, it also grieved to the heart to find Whig principles at length predominant in the councils of the colony. The hue and cry of ill-judged lenity on the part of the Governor, and of general insubordination on the part of the convicts,—nay, of impending anarchy and insurrection throughout the territory—was accordingly raised against the Governor; and petitions for increased power to inflict summary punishment were signed and transmitted to England by various magistrates of the Territory and colonial proprietors, who, to my own certain knowledge, had never expended one solitary farthing for the religious

* It was regarded as an infamous punishment under the Roman law, and was not allowed to be inflicted under any circumstances on Roman citizens. See Acts, xvi. 37, 38. and xxii. 25—29.

instruction of their numerous convict servants! It was not civil and religious liberty—that pearl of inestimable price in the eyes of our forefathers in the earlier days of emigration to America—for which these Australian worthies petitioned; it was for a somewhat different species of liberty, *the liberty to lash*; and long and deep were the groans they uttered, through their favourite organ, the “Sydney Herald,” when they found it denied them.

Previous to Sir Richard Bourke’s arrival, the assignment of convict servants had, in one way or other, proved a source of patronage to the colonial Government, or at all events to persons connected with it. The Assignment Board established by General Darling had partly corrected this abuse, and in some measure equalized the distribution of the convicts among the settlers; but there were still ways and means of getting more than one was entitled to, or than others equally deserving could obtain, in the shape of convict labour, during General Darling’s administration, notwithstanding the establishment of that board; and the fact was notorious in the colony. As a statement, however, to this effect, contained in the first edition of this work, was called in question at the time of its publication by General Darling himself, in a letter which he wrote me on the subject, and to which I replied, I deem it necessary to relate the following incident, of which I reminded His Excellency in my letter, as illustrative of the accordance of that statement with my own experience and observation.

As I was travelling on one occasion in the discharge of clerical duty in the district of Bathurst, during Sir Ralph Darling’s administration, I happened to call at the cottage of a respectable settler, a magistrate of the territory, who I found was building a remarkably substantial two-story house on his estate at the time. He asked me to look at the house, which was beautifully situated on a rising ground, commanding a wide extent

of champaign country ; and I accordingly did so before resuming my journey. In pointing out its various advantages, the settler informed me that the brickmaking and bricklaying operations, the carpentry and joinery work, the plastering and shingling, and, if I am not greatly mistaken, the cabinet-maker's and upholstery work also, had all been done by his own assigned convict servants. I happened to mention the circumstance in the course of conversation with the next settler I called on a few miles off, without suspecting however that there was any peculiarity in the case ; when the settler observed to me, not without a slight display of indignant feeling, that he had been applying for a convict mechanic himself for years, but had been unable to obtain one, although he had confessedly done much more for the district than his more fortunate neighbour. The first settler was the friend of a colonial functionary of some influence at the time ; and I could not fail to observe, that he was always particularly active in his district whenever addresses were to be moved to General Darling. The second settler, who was also a magistrate of the territory, was merely a man of independent principles and feelings, who was accustomed to think and act for himself.

To put an end to every thing like favouritism in this department of the public service, and to equalize the distribution of the convicts, Sir Richard Bourke established a code of Regulations for the Assignment of convict servants, agreeably to which the number assignable to any applicant was to depend on the extent of land he held, and especially of land in cultivation ; certain subordinate regulations being established in favour of reputable persons cultivating small farms, and convict mechanics of certain handicrafts being estimated as equivalent to two or three common labourers each. The equity and impartiality of this arrangement were so apparent, that it was scarcely possible to find exceptions against it : it was complained of, however, by the same

parties who had complained of the Magistrates' Act, because forsooth the New Regulations prohibited the assignment of more than seventy convicts to any one proprietor! It was surely a sufficient number to consign to the blackness of moral darkness and to spiritual death, in the service of men who, as was almost universally the case with the more extensive colonial proprietors at the time, had never expended one solitary farthing in promoting their moral and spiritual welfare!

It was the opinion of Sir Richard Bourke, expressed in a despatch to the Secretary of State for the Colonies, which was printed by order of the House of Commons, that it would be greatly for the benefit of the free settlers in New South Wales to dispense with convict labour altogether. This, I believe, was the first time that such an opinion had ever been put forth by a Governor of New South Wales, and it was regarded at the time as absolutely monstrous by the great body of colonial proprietors. But Sir Richard Bourke was, in this, as well as in various other important respects, a man remarkably in advance of his age. He saw from the first the change that was coming over the face of the colony, as well as over the spirit of the dream of the colonists, by means of free emigration; and he was prepared rather to welcome and anticipate, than to deprecate and retard that important consummation. He saw clearly that the colony had outgrown the conditions of a mere penal settlement, and that the further continuance of transportation to its territory would prove a serious bar to its welfare and advancement. In these opinions of His Excellency, I confess, I cordially concurred; and it is somewhat remarkable that, without being aware at the time of the Governor's opinions on the subject, my evidence, given before a Select Committee of the House of Commons on Transportation, in the year 1837, was precisely to the same effect.

From the peculiar constitution of society in New South Wales, there had been a yearly increasing number of free persons in the colony during the continuance of the transportation system, who had arrived in the territory as convicts, but whose respective sentences of transportation had expired; and it had long been a question much agitated in the colony how far these persons, together with those who had obtained absolute or conditional pardons, were to be considered as restored to the rights and privileges of free subjects, and particularly whether they were eligible to act in the capacity of jurymen. The Emancipists, as they were usually styled in the colony, claimed this privilege themselves as a matter of right; chiefly, however, from having been taught and incited to do so by certain news-writers of their own class and origin, as well as by certain lawyers of inferior respectability, who depended chiefly on emancipist and convict practice, and who willingly pursued the arts of petty agitation to acquire an importance in society, which they had no other means of attaining. It is not to be denied, however, that there were men of much higher standing in the colony, but chiefly of that class of persons to whom the praise and the popularity of political liberalism were objects of importance, who advocated the claims of the emancipists, and who maintained especially their eligibility to act as jurymen.

It is scarcely to be supposed that Sir Richard Bourke could have been enabled from his own personal experience and observation, during the first eighteen months of his residence in New South Wales, to decide on a subject of such vital interest to all classes of the inhabitants of the colony; and it was doubtless to be regretted that he seems to have derived his information on that subject chiefly from one source. At all events, a law was proposed by His Excellency to the Legislative Council, during the Session of 1833, declaring emancipists qualified to serve

on criminal juries, *provided they possessed 30l. of yearly income, or personal property to the amount of 300l.**

In regard to the question of law involved in this matter there could be no doubt. A letter had been addressed on the subject by the Colonial Secretary, during the Session of the Legislative Council, to the three Judges of the Supreme Court, — Sir Francis Forbes, Chief Justice, and James Dowling and W. W. Burton, Esquires, Puisne Judges, — who replied unanimously that the proposed law would be in perfect accordance with the laws of England; where, with the exception of persons who had been guilty of perjury, or other offences accounted infamous by the law, a person who had been convicted of a transportable offence, and had either served the period of his sentence or received a pardon, would be eligible to serve on juries.

Notwithstanding the absence of the Archdeacon and Mr. Robert Campbell, sen., two members of the Legislative Council who were decidedly opposed to the measure in question, there were still six of the members of that body opposed to it on its being put to the vote: but the Governor, and five members who adhered to him, having voted in its favour, His Excellency decided the matter in a way, which, for aught I know to the contrary, may be defensible, — viz. by giving a *second* or casting vote, by which it forthwith became the law of the land.

Previous to the Session of the Legislative Council for 1836, a second letter was addressed by the Colonial Government to the three judges, desiring their opinion on the working of the jury law; in reply to which, two of them—viz. the Chief Justice and Mr. Justice Dowling—expressed themselves, though by no means warmly, in favour of its operation; while Mr. Justice Burton expressed himself decidedly against it. As the subject,

* They had been rendered eligible to serve on civil juries by a previous enactment.

however, although one of the deepest interest at the time, has long ceased to be of any importance in New South Wales, in consequence of the entire cessation of Transportation to that colony in the year 1840, and of the subsequent gradual disappearance of the class of emancipists from the face of colonial Society, I deem it unnecessary to enter upon the discussion of the question. I confess, however, that at the time when the Jury law was under general discussion in the colony, I concurred entirely with Mr. Justice Burton.

It was peculiarly unfortunate for the popularity of Sir Richard Bourke, among the numerous friends and supporters of General Darling's administration, that he had nothing *to give*, as a Governor, in the shape of eligible grants of land and suburban allotments. This misfortune was doubtless greatly aggravated by the publication of his *Assignment Regulations*, which, by enforcing a system of impartial justice in the distribution of convict labour, denuded the Government of another powerful means of influence in a Penal Colony, and precluded the hope of procuring an additional supply of that valuable commodity, on the part of all who had already obtained more of it than their due proportion. But it was the *Magistrates' Act*, the object of which was to protect the convict from that petty tyranny which undoubtedly prevailed at that period to no inconsiderable extent in the Colony, that led to the organization of a regular faction against his person and government; to the principles and operations of which the subsequent enactment of the Colonial Jury Bill certainly gave an aspect of plausibility, in the estimation even of many moderate persons, while it served greatly to add fuel to the flame. Meetings were accordingly held; petitions to the Home Government, representing the critical condition of the Colony, were got up by the *laudatores temporis acti*, and all the other approved machinery of Colonial tactics was put in motion.

I have already observed that one of the approved modes of endeavouring to lower the Governor for the time being in the estimation of the public in New South Wales, is to profess an uncommon degree of respect and attachment to one or other of his predecessors: it was accordingly resolved, at the time and by the parties I allude to, to erect a monument to the late Governor, Lieutenant General Sir Ralph Darling. The person who was most actively engaged in this affair, in the way of collecting subscriptions for the monument, was a person of questionable merit, whose family had managed to engross Government appointments, during the administration of General Darling, to the amount of not less than 1500*l.* per annum, besides spacious grants of land and valuable town allotments. Perceiving that the sole object of the proposed measure was to bring the actual Governor into disrepute in the Colony, chiefly on account of his impartial justice and enlightened humanity, I caused to be inserted, in a weekly journal which I had deemed it necessary to establish in the year 1835, for the furtherance of the intellectual and moral advancement of the Colony, an article, in which, after mentioning the affair of the intended monument, and commending the proper feelings of the parties who were the most prominently engaged in urging it forward, and especially of the individual who was collecting subscriptions, and showing that the whole affair was to be understood rather as a becoming testimonial of private gratitude *for favours received* than as a tribute of respect and attachment from the public generally, it was suggested that, as the parties concerned had probably been too busy to think of an inscription for the intended monument, the following might be by no means inappropriate:—

TO HIS EXCELLENCY,
LIEUTENANT GENERAL SIR RALPH DARLING, K.C.B.
FOR SIX YEARS GOVERNOR OF
NEW SOUTH WALES.

ERECTED

BY THOSE CIVIL AND MILITARY OFFICERS,
AND BY THOSE OTHER INHABITANTS OF THE COLONY,
WHOSE PRIVATE INTERESTS
HE WAS ALWAYS READY TO PROMOTE,
AT THE EXPENSE OF THE PUBLIC.

There was too much truth in this proposed inscription not to be generally felt and acknowledged. It served accordingly as a *coup de grace* to the monument, which, of course, immediately fell to the ground.

In the mean time, the *Sydney Herald*, a journal which had been established towards the close of Sir Ralph Darling's administration, professing moderate principles, but entirely devoted to the interests of the party now in opposition, was employed by the leaders of that party, in the most unscrupulous manner, to expose every act or measure of the Governor's to public reprobation, and to bring his person and government into absolute contempt. A single instance of the means that were occasionally resorted to to effect this object will serve to demonstrate the vile character of an influential portion of the colonial press at the period referred to, and the entire destitution of honourable principle that characterized the individuals who then wielded that powerful engine for the degradation and ruin, rather than for the welfare, of the colony.

In the year 1832, the Home Government, having determined to appropriate a considerable portion of the funds arising from the sale of Waste Lands in the Australian Colonies, under the new system then recently introduced, towards the conveyance of unmarried female emigrants to these colonies, a Board for carrying the

arrangement into effect was formed in London, under the designation of the *Female Emigration Board* ; of which the whole business, in collecting and forwarding the emigrants, was in reality entrusted to a notorious speculator, of very questionable principles, in the City of London, and conducted exclusively on the principle of a mere mercantile speculation, without the slightest regard for the moral welfare of the colonies. Sir Richard Bourke was in no way responsible for this malversation, or for the moral worthlessness of a large proportion of the female immigrants : but conceiving it his duty, as the Governor of New South Wales, to provide for their safe keeping on their arrival in the colony, till they should obtain eligible situations, he very humanely surrendered for this purpose a portion of the premises of Government House, in the town of Sydney, where they enjoyed comfortable quarters without expense to the Government, and where they were easily protected from the intrusion of disreputable persons. So humane an act, which, one should have thought, would have disarmed hostility, served only to exercise the despicable ingenuity of an unprincipled faction at the Governor's expense ; for a letter appeared forthwith in the *Sydney Herald*, purporting to be written by a recently arrived female emigrant to her sister in England, describing the reception she had met with on her arrival in New South Wales, the invitation she had received to take up her residence in Government House, the personal attentions that had been paid her by the Governor, the interesting meetings she had had with his Excellency in the private walks of the domain, and the brilliant prospect she had reason to entertain from the conquest she had effected. Sir Richard Bourke was residing at the time at Parramatta, where his lady, to whom he had been tenderly attached, had died shortly before ; his domestic establishment being superintended by an unmarried daughter. The infamous character of such an attack, under such circumstances, was, however, in keep-

ing with the course which the same journal, supported and abetted still by the same party, subsequently pursued, in virtually advocating the indiscriminate massacre of the Aborigines of the colony, and in attempting to screen the convict murderers of these wretched participants of our common humanity, and their gentlemen accessories both before and after the fact, from public justice and general reprobation.

Unfortunately, however, Sir Richard Bourke and his friends lacked the wisdom that was requisite to enable them to leave the authors of those ungenerous and unfounded attacks, that were made so perseveringly against his person and government, to the contempt they merited. In the year 1834, when the Darling faction was first marshalled against His Excellency, the Sydney Gazette was ostensibly under the editorial management of Mr. Edward O'Shaughnessy, an emancipated convict from Dublin, but in reality under the entire control of a Scotch convict of the name of Watt, to whom General Darling had given a ticket of leave, with permission to reside in Sydney. Thoroughly unprincipled in his character, and notoriously profligate in his habits, this worthless reprobate was permitted, for two years in succession, to occupy the important position of literary dictator for the colony in all matters relating to morals and government, under the very eye of the Sydney police, and within gunshot of Government House — because, forsooth, he occasionally patronised the former with laudatory paragraphs, which were much needed at the time, and honoured the latter with a systematic defence. Nay, instead of allowing the excitement which the Magistrates' Act had produced among the adherents of the late Governor to subside gradually, which it would otherwise have done, Watt was notoriously encouraged and assisted by the Governor's friends in getting up a pamphlet in justification of that measure, under the designation of *Humanitas*, of which short extracts were occasionally published in

the "Sydney Gazette," but of which the publication of the whole was deemed unadvisable, as it was found to be a gross and impudent libel upon the magistrates and other respectable inhabitants of the colony. It was universally believed at the time that Roger Therry, Esq., now one of the Puisne Judges of the Colony, but then Commissioner of the Court of Requests, and a warm adherent of the Governor's, had been aiding and assisting the convict Watt in the getting up of that pamphlet; and it followed, as a matter of course, that Mr. Therry participated in no small degree in the general indignation which it excited.

In the course of the following year, however, the Governor, perhaps overlooking this important circumstance, or perhaps overborne by the urgent solicitations of personal cupidity, caused Mr. Therry to be nominated as a candidate for the Office of Chairman of the Court of Quarter Sessions, which happened to fall vacant towards the close of the year 1835, and to which the appointment was exclusively in the hands of the magistracy. When apprised of this injudicious nomination, a large majority of the magistrates announced their determination not to vote for Mr. Therry on any account; but expressing their willingness at the same time to appoint any other duly qualified person who might be agreeable to the Governor, it was suggested to the Honourable C. D. Riddell, Colonial Treasurer, and Member of the Executive Council, to allow himself to be proposed as a candidate for the office; which that gentleman having done, he was elected accordingly. As Mr. Therry had already two Government appointments, for each of which he was receiving a handsome salary at the time, in addition to his private practice as a colonial barrister, it was evidently as gross an act of injustice to other qualified persons, and as flagrant an insult to the common sense of the colony, to propose to conjoin the chairmanship of the Court of Quarter Sessions, for which there

was a separate salary of 400*l.* per annum, with the other offices of that gentleman, as with that of Mr. Riddell.

The Governor, however, was inflexible; having doubtless satisfied himself that, while no accumulation of Government appointments was too great for the broad shoulders of his favourite, Mr. Therry, the Colonial Treasury Chest was a sufficient load for Mr. Riddell. Refusing his sanction, therefore, to Mr. Riddell's acceptance of the office of Chairman of the Quarter Sessions, and regarding the circumstance of his having suffered himself to be nominated for an office for which he had himself nominated another candidate, as a personal insult, he caused Mr. Riddell's name to be erased forthwith from the List of Members of the Executive Council. Against this act of private spleen and petty tyranny, so utterly unworthy of the character of Sir Richard Bourke, Mr. Riddell appealed to the Right Honourable the Secretary of State for the Colonies; who, having instructed the Governor to reinstate him in his office as a Member of the Executive Council, His Excellency immediately resigned his own appointment, in accordance with the determination he had previously expressed on the subject to the Secretary of State, and left the colony for England, by way of Valparaiso and Buenos Ayres, on the 6th of December, 1837.

To anticipate for a little the course of events, I may mention—as a singular instance of the state of public feeling in the colony towards the public functionary, who was thus the occasion, if not the cause, of its being deprived, at too early a period, of the services of Sir Richard Bourke—a circumstance that occurred in the year 1843, when the colony had just obtained, for the first time, a partially elective Legislature. Mr. James Macarthur, who had been a member of the previous Nominee Council, and who, for some minute service which he had rendered to the public in that capacity, was rather liked at the time, was invited by a large

number of the electors of the county of Cumberland, the metropolitan county of the colony, to offer himself as one of the candidates for that county; and having accepted the invitation, his election was understood to be secure. Mr. Macarthur's own county, in which the extensive estates and family influence of his house principally lay, was the adjoining county of Camden; and having made sure of Cumberland, he was naturally anxious to have a *safe* person, whom one would always be sure to find on the right side—I mean the side of constituted authority—for the county of Camden. With this view, he gave all his family influence in the latter county to Mr. Roger Therry, whom he recommended to the electors as a fit and proper person for their member, and who was returned accordingly, in opposition to a candidate who was much more generally acceptable at the time throughout the colony, — Mr. Charles Cowper.

There were three grounds on which Mr. Therry was particularly objectionable at the time to a large majority of the colonists generally. In the first place he was a Government officer, and, even as such, was notoriously a mere Vicar of Bray, who always *swore* by the *man that was in*, as the readiest way of getting *in* farther himself. In the second place, he had given prodigious offence by the sort of underhand literary partnership which he was understood to have had with the worthless convict Watt, in libelling the Colonial Magistracy, to carry an obnoxious measure for the reigning Governor. And in the third place, he was a prominent member, — the most prominent, indeed, at the time, — of the Roman Catholic communion; whereas Mr. Cowper, the unsuccessful candidate, used, afterwards, when returned for another constituency, to be facetiously described, by an old superannuated Scotch nominee member, as “the member for the Church of England.”

In such circumstances, Mr. Therry's return for the county of Camden, on the Macarthur interest, gave

prodigious offence to a powerful party in the colony ; who, being pretty strong in the county of Cumberland, determined to punish Mr. Macarthur, by bringing forward Mr. Cowper to oust him for that county at the eleventh hour. They did so accordingly, and Mr. Cowper was returned by a large majority. As for Mr. Therry, although an elective member, he voted, as became him as a Government officer, so regularly for the Government of the period, when that Government was, in the estimation of the elective members generally, in direct hostility to the interests of the people, that he voted himself up at length into his present office as a Puisne Judge. It is part of the motto of the colony, "*Sic fortis Etruria crevit ;*" which I would beg to translate — "It is by such unworthy means that unscrupulous men rise to the highest steps of the colonial ladder, under the notorious system of *Government of the Colonies by Downing Street.*"

When it was finally understood that His Excellency had determined to leave the colony, and that his successor had actually been appointed at his own particular desire, respect for his person and character, and a due sense of the important services he had rendered the colony (some of which will be mentioned in the sequel), overpowered every other consideration, and his departure was viewed with deep and general regret. In testimony of this feeling, a subscription for a bronze statue to his honour, to be erected in some conspicuous place in the City of Sydney, was immediately set on foot, and about four thousand pounds was raised for the purpose. The statue was accordingly cast, from a model by an eminent artist in London, and it now stands in an elevated and peculiarly commanding situation at the entrance of the Government domain, overlooking the splendid harbour of Port Jackson.

In reviewing the acts of Sir Richard Bourke's administration, it will doubtless be admitted that the circum-

stance that principally characterised the important epoch of his government of New South Wales was the change that had been effected in the year 1831 in the mode of disposing of the waste lands of Australia, and the consequent creation of a revenue of indefinite amount for the promotion of free emigration from the United Kingdom to the Australian Colonies. The following is a tabular view of the state and progress of the Colonial Land Revenue during the six successive years of Sir Richard Bourke's administration : —

Year.	Amount.		
	£	s.	d.
1832 (including the sum of 3617 <i>l.</i> 17 <i>s.</i> 5 <i>d.</i> received during the year 1831)	17,301	3	6
1833 „ .	26,275	5	9
1834 „ .	44,816	14	9
1835 „ .	89,707	15	10
1836 „ .	132,606	15	0
1837 „ .	128,944	9	6 $\frac{3}{4}$
Total	£439,652	4	4 $\frac{3}{4}$

It thus appears that, during the administration of Sir Richard Bourke, a revenue, arising from a new and previously unproductive source, and amounting at length to not less than a hundred and thirty thousand pounds sterling per annum, in a colony of not more than 85,000 inhabitants, had been suddenly and unexpectedly created in New South Wales, through the policy of selling the waste lands of the colony instead of granting them as before. At the time that this change was effected, a pledge had been virtually given to the colonists that this revenue should be appropriated mainly towards the encouragement and promotion of the emigration of virtuous and industrious families and individuals from Great Britain and Ireland: and, considering the original character of the colony as a general receptacle for the accu-

mulated criminality of the empire, no appropriation of that revenue could possibly have been more judicious on the one hand, or more important, in the eye of enlightened philanthropy, on the other. For there was thus provided the means of infusing, to almost any conceivable extent, the salutary ingredient of a virtuous and industrious population into the mass of a convict colony, and of thereby elevating that colony, in a period of time comparatively short, to the rank of an intelligent, respectable, and religious community. In short, a Governor of New South Wales, of comprehensive views and energetic character, or who had any personal connection with the country, would in such circumstances have recognized the paramount importance of holding the Home Government to their pledge, and of plying to the utmost the powerful moral lever that was thus placed in his hands. It is deeply to be regretted, however, that Sir Richard Bourke was in great measure deficient, either of the intellectual discernment that would have enabled him to recognize the paramount importance of his position, or of the vigour of character that would have led him to improve the splendid opportunity of advancing the moral welfare of the colony which he thus undoubtedly enjoyed.

In the years 1832, 1833 and 1834, emigration to New South Wales had been conducted exclusively under the auspices of the Female Emigration Board, in London; but in so exceptionable a manner that, in the year 1835, the streets of Sydney and the public houses of the colony were actually swarming with free immigrant prostitutes from the cities of London, Dublin, and Cork, the expense of whose passage out had been defrayed from the land revenue of the colony! Still, however, as there had only been an expenditure of 22,432*l.* 8*s.* 1½*d.* incurred for the purposes of immigration during these three years, while the land revenue for the same period amounted to 88,393*l.* 4*s.* 0*d.*, there was a balance of unexpended re-

venue arising from that source on the 1st of January, 1835, to the amount of 65,960*l.* 15*s.* 10 $\frac{3}{4}$ *d.* In the mean time, however, as the Colonial Government had been entirely inactive on the subject of immigration, and had taken no steps to secure the due appropriation of the land revenue, the Right Honourable Spring Rice (now Lord Monteagle), who was then Secretary of State for the Colonies, determined, in concurrence with the Lords of the Treasury, to appropriate a considerable portion of this balance, of the existence of which he had been duly apprised by the Governor, for the maintenance of the Police and Gaol establishments of the colony—thereby diverting the funds which Divine Providence had unexpectedly placed in the hands of the rulers of the colony, doubtless for the accomplishment of its moral renovation, towards the maintenance and perpetuation of its low and degraded condition as the mere gaol and penitentiary of the empire. The announcement of this arrangement was made by Sir Richard Bourke in his opening address to the nominee Legislative Council in the year 1835, and, had no effort been made from without, the principle of appropriating a large portion of the land revenue towards the maintenance of the convict system of the colony would doubtless have been established forthwith by that plastic body, without notice and without remonstrance. Perceiving, however, the extreme importance of the crisis, as affecting the moral welfare of the colony in all time coming, I published a series of articles on the subject in the journal to which I have already alluded; pointing out to the colonists the means which the land revenue afforded of effecting an entire moral revolution in the character of the colony within a comparatively short period of time, through the gradual introduction of a numerous, industrious, and virtuous population from Great Britain and Ireland, and the strong interest which they consequently had, both individually and collectively, in preventing the appropriation of that revenue for any

other purpose whatever. These papers had the desired effect; the colonists were aroused for the first time to the importance of immigration in a moral as well as in a political light, and a strong memorial, signed by a large number of the most respectable inhabitants of the colony, was accordingly presented to the Legislative Council, deprecating the appropriation of any portion of the land revenue for any other purpose whatever. The Government influence, however, was too strong in the Legislative Council to prevent the passing of the vote which the Governor had been instructed to call for by the Secretary of State, and the appropriation was voted accordingly; but as the ordinary revenue of the colony proved sufficient to meet the whole expenditure of the Government during the last three years of Sir Richard Bourke's administration, that vote was in reality a dead letter, and the unexpended balance of the land revenue remained untouched.

In the year 1835, a Committee of the Legislative Council was appointed to ascertain the wants of the colony in regard to free labour; and as it appeared, from the investigations of that Committee, that from four to five thousand additional free labourers and mechanics were urgently required, and could be immediately employed in the colony, besides women and children, it was confidently expected, that the Colonial Executive would forthwith adopt the requisite measures for supplying that deficiency, especially as the means of doing so were fully in its power. In accordance with the known wishes of the leading colonists at the time, W. Macpherson, Esq., Collector of Internal Revenue, now Clerk of the Legislative Council, had expressed his willingness to proceed to England to select such a number of emigrants of the requisite qualifications as might be required from time to time throughout the colony—a duty for which that gentleman was perhaps better qualified in every respect than any other person at the time in New South Wales. But Mr. Macpherson's offer was unfortunately rejected, and

nothing in reality was done for the promotion of immigration, during the whole period of Sir Richard Bourke's government, with the exception of authorising a few colonial proprietors to import a few hundred agricultural labourers on a Bounty insufficient to cover the necessary outlay, and employing a few Surgeons in the Royal Navy to select and to carry out a few ship-loads of mechanics for the public-works of the colony. In short, while the land revenue amounted, during the six years of Sir Richard Bourke's administration, to 439,652*l.* 4*s.* 4³/₄*d.*, the whole expenditure for immigration during that period amounted only to 91,167*l.* 13*s.* 2*d.*

This lamentable inattention to the real interests of the colony, on the part of the Governor, was probably the result of that want of energy which is the usual accompaniment of advancing years, if not rather of that bitterness of feeling which had doubtless been induced by the unmanly opposition he had experienced for measures which deserved unqualified commendation. But in whatever it originated, it doubtless proved the source of much practical evil to the colony. It checked the march of its general improvement by preventing the importation of the large amount of valuable labour which might otherwise have been secured to it: it retarded the progress of its moral advancement by virtually repelling from its shores the numerous industrious and virtuous free emigrant population which might otherwise have been attracted to its territory; and it virtually compelled the colonial proprietors very shortly thereafter to enter into Associations for importing, at their own private expense, Hill Coolies from India, Chinese labourers from Canton and Amoy, South Sea Islanders from the New Hebrides, and Expiree convicts from Van Dieman's Land, to fill the places that might otherwise have been occupied, so much more advantageously for the Colony in every respect, by thousands of the redundant and comparatively virtuous population of the British Isles.

In consequence of this inexcusable inactivity on the part of the Local Government, the Right Honourable Lord Glenelg, who was then Secretary of State for the Colonies, felt himself called on, during the year 1837, the last year of Sir Richard Bourke's government, to organise an Agency in England for the promotion of voluntary emigration to New South Wales from all parts of the United Kingdom; and I am happy to state that the Colony derived much benefit, both morally and economically, even from the comparatively limited amount of immigration which that Agency effected. Under this arrangement, emigrant ships were despatched successively from various ports in England, from the east and west coasts of Scotland, and from the North and South of Ireland, so as to distribute the benefit which a free passage to Australia implied as fairly as possible over the Three Kingdoms; and in this way a large body of valuable and virtuous free emigrants were conveyed to the Colony. As an illustration of the mutual benefit resulting to the Mother Country and the Colony from this arrangement, which, I may be permitted to add, originated with myself, I shall only state what occurred in the West of Scotland. Happening to be in England during the winter of 1836 and 1837, when one of those periods of destitution which are now of such frequent recurrence in the Highlands and Islands of Scotland had occurred, I attended a public meeting which was held in the Egyptian Hall in the Mansion House, London, to receive the statement of a Deputation from Scotland, which had been commissioned to represent the destitute condition of the Highlands and Islands to the Government and the public, and especially to solicit aid from the Public Treasury to effect a large emigration from these localities to Canada. The Deputation informed the meeting, however, that, although the Government had given them a cheque for 10,000*l.* as a charitable contribution from the public funds for the relief of the existing destitution in the Highlands and

Islands, there were no funds available, in the Treasury, for the promotion of emigration to any part of British America. Immediately after the meeting, I waited upon the Deputation and informed them that, although there were no funds available for the promotion of emigration to Canada in the British Treasury, there was a large fund, available for emigration to Australia, in the Treasury of New South Wales, which, to my certain knowledge, would amount, at the close of the year 1836, to not less than 200,000*l.*; and I recommended to the Deputation to urge upon Lord Glenelg the immediate appropriation of this fund for the relief of the existing destitution in the way of promoting emigration to that colony from the Highlands and Islands of Scotland. The Deputation were delighted with the idea, and immediately waited upon Lord Glenelg with the information I had given them, which, it seemed, his Lordship had not previously received. The usual objections of Office to the new idea I had suggested were, of course, urged on the occasion, to all of which my general acquaintance with the state of things in the Colony enabled the Deputation to offer a satisfactory reply: and the result was that the sanction of the Privy Council, to which the matter had to be referred by the Colonial Office, having been obtained, the arrangement I had recommended was carried out accordingly; eighteen ship-loads of the destitute Highlanders and Islanders, amounting to upwards of four thousand individuals, having been carried out, at the expense of the Colony, to New South Wales and Port Phillip. And as the Highlanders and Islanders are generally a semi-pastoral people, accustomed, from their youth up, to the peculiar occupation of the Australian Colonies, their importation was universally acceptable to the colonists, and proved as great a boon to their adopted country as their emigration had done to their native land. Such was the origin of the arrangement I have mentioned for the promotion of emigration from the United Kingdom to New South Wales.

It cannot be doubted, however, that, if an Agency consisting of men of colonial experience and general ability, to be employed in the mother country, had been created in the Colony, with the sanction of the Home Government, in the year 1835, when the amount and appropriation of the Land Revenue first attracted general attention in New South Wales, emigration to the Colony at the public expense might have been conducted much more beneficially for all concerned than it actually was, and at much less cost to the public, while the enormous evils of the emigration of a later period, to which I shall have occasion to refer in the sequel, would never have occurred. But Sir Richard Bourke, unfortunately, allowed the proper time for action to pass unimproved; and the Colony had to reap the bitter fruits of his inattention and neglect. In one word, although Sir Richard Bourke undoubtedly deserves the highest praise as a legislator, it was a man of energy and action that the Colony chiefly required at the head of its government during the transcendantly important crisis of his administration; and if His Excellency had only possessed these requisites and turned them to their proper account, as he might unquestionably have done with perfect facility, he would scarcely have needed even a statue of bronze to proclaim his merits and to perpetuate his fame.

When about to proceed to England, for the fourth time, in the year 1836, my brother, Mr. Andrew Lang, J. P., requested me to engage for him a few families of French or German Protestant vine-dressers, whom he proposed to settle on his property of Dunmore, at Hunter's river, for the cultivation of the vine, and to whom he authorised me to offer a free passage out, and rations for themselves and families till they should be able to provide for their own subsistence from the produce of the land. They were each to have a suitable extent of land for a small farm, on a long lease, and on very favourable terms; as the locality in which the settlement was to be formed

consisted of a tract of alluvial soil of the first quality for cultivation, and in the immediate vicinity of steam navigation to Sydney.

I willingly agreed to undertake this commission, provided that I should be allowed to engage as many families as would fill a ship of four hundred tons, and form a small parish or commune by itself; and provided also that I should be authorised to carry out a minister and schoolmaster along with the emigrants, from their own country, and of their own communion; as I could not undertake to introduce into the colony a body of foreigners, without providing for their religious instruction and for the education of their youth. Mr. Lang having agreed to these conditions, and having obtained authority from Sir Richard Bourke for the importation of fifty families of foreign vinedressers, on the usual Bounty of the period,—viz. 15*l.* for every adult landed in the colony, and 5*l.* for every child above one year,—I proceeded, in the month of February, 1837, shortly after my arrival in London, to France, in the first instance, and afterwards to Wirtemberg, in Germany, and from thence to Frankfort on the Maine; and in these localities I found no difficulty, through the influential persons to whom I had obtained introductions at Paris and Strasburg, in making the requisite preliminary arrangements. On passing down the Rhine, however, to Rotterdam, in Holland, where it was proposed that the emigrants should embark, I ascertained that the Dutch Government would not allow a body of emigrants from Germany even to pass through that country, unless a guarantee should be given by the British Government that they should not be returned to it as paupers. But as this was hopeless, the enterprise had to be given up, till it could be effected in some other way.

Having ascertained, however, on my return to England, through a French Protestant clergyman at *Havre de Grace*, that there was a large number of German Protestant vinedressers residing in that city and neigh-

bourhood, who had left their native country with the intention of emigrating to America, but whose funds were exhausted from the heavy expenses of their long journey overland, and their subsequent detention in Havre, it was arranged that the requisite number of families should be selected from amongst these emigrants for the projected vinegrowing settlement in Australia. With the assistance of the clergyman above-mentioned, Captain Bernard, a French Protestant shipmaster, who had relatives in New South Wales, accordingly selected forty-eight families of these German vinedressers, who, with the unmarried brothers and sisters of some of the families, amounted to two hundred and fifty persons altogether. This large party embarked at Havre, on board the French ship *La Justine*, of which Captain Bernard was part owner, and sailed for Australia under favourable auspices in the month of July, 1837. In addition to the Government Bounty of 15*l.* for each adult, and 5*l.* for each child, which Captain Bernard was to receive on his arrival in New South Wales, I had stipulated, on behalf of my brother, that he should be paid 3*l.* additional for every adult, as the Government Bounty, which was afterwards raised to 18*l.*, was then deemed insufficient; and to enable Captain Bernard to purchase the requisite supplies for his voyage, I had drawn upon my brother, through one of the colonial banks in London, for a thousand pounds, against the Government Bounty, which he had received in advance.

The voyage proved highly propitious as far as Rio de Janeiro, where Captain Bernard unfortunately touched for refreshments and supplies; for the Brazilian Government of the period, on being informed of the character and qualifications of the large body of valuable emigrants whom he had on board, offered Captain Bernard a large sum—sufficient to have reimbursed him handsomely for all the expenses of his voyage—if he would only land them on the beach, as the Imperial Government was

exceedingly desirous at the time of forming a settlement of such foreigners in the southern provinces of that vast empire. But Captain Bernard, being a man of integrity, refused the offer and stood out to sea again with his passengers. During his stay at Rio, however, some interested or meddling people, from amongst the large German population of that city, had managed to poison the minds of their countrymen on board the French ship, by inducing them to believe that they were going to be made slaves of in New South Wales, and by filling them with all manner of dismal apprehensions. In this way they had succeeded in persuading the emigrants not to proceed on their voyage to Australia, and had even supplied them secretly with arms, to compel the captain to return and land them at Rio, if he should proceed to sea. They had no sooner, therefore, got out to sea than they rose *en masse*, and insisted on Captain Bernard's putting back with them to Rio, which he was accordingly constrained to do. The Brazilian Government, finding that their object was now accomplished, gave Captain Bernard only a portion of the sum they had offered him in the first instance; but I must do that gentleman the justice to state that he honourably relieved both my brother and myself from the pecuniary obligation we had incurred to facilitate his arrangements. The non-arrival of this large body of experienced vinedressers was an irreparable loss to the colony; and from subsequent inquiries which I was enabled to make when in the Brazils myself, I have reason to believe that the loss was equally great to the deluded emigrants. Indeed, from all I have seen and heard of that country, both at Rio and at Pernambuco, I have no hesitation in giving it as my decided opinion that New South Wales is an incomparably better country for industrious and virtuous emigrants, and especially for Protestants; from any part of Europe.

I had another object in view, in my visit to the con-

tinient in 1837, besides the one I have mentioned : it was to organize a German Protestant Mission to the Aborigines of Australia at Moreton Bay. In this particular object I was successful ; having been enabled, through the facilities which were then afforded by my lord Glenelg, as Secretary of State for the Colonies, for the establishment of Missions to the Aborigines, to make the requisite arrangements for carrying out two ordained Lutheran ministers, and twelve lay missionaries, of whom eight were married, from a Missionary Institution under the superintendence of the Rev. Johannes Gossner, pastor of the Bohemian Church in Berlin, and for many years past a zealous and active promoter of missions to the heathen. One of the ordained ministers was to have been settled at Hunter's River, as the pastor of the community of German vinedressers from Havre de Grace ; but as the latter never arrived in the colony, they both proceeded to Moreton Bay, where this extensive mission, of which I have given a more detailed account in another work*, was accordingly established at Zionshill, on the Brook Kidron, about seven miles from the settlement of Brisbane, in the year 1838. I am sorry to add, however, that although the excellent and truly Christian men who formed this mission have uniformly exerted a highly salutary influence on the surrounding district, they have entirely failed, as all the other Australian missions have done successively, in making any permanent religious impression upon the Aborigines. The Government assistance to these missions was finally withdrawn during the administration of Sir George Gipps, and they were all thenceforth successively broken up. The lay missionaries of the German Mission, however, remained at the settlement they had formed, and still support themselves by their own industry. One of them, Mr. Gottfried Haus-

* Cooksland, in North Eastern Australia ; the future cotton-field of Great Britain. Longmans, London, 1847.

mann, was ordained a few weeks before I left the colony as a minister of the Colonial Presbyterian Church, and he is now settled in that capacity in the rising settlement of Wide Bay, in latitude $25\frac{1}{2}^{\circ}$ south, at present the northernmost settlement on the east coast of Australia.

It was a great blot upon the administration of Sir Richard Bourke, that he permitted his government to be identified in any way with the convict press of the colony; and his man Friday, Mr. Commissioner (now Judge) Therry came out with any thing but a clean reputation from that discreditable connection. It will scarcely be supposed, from anything that appears in the preceding pages, that I entertain illiberal opinions on this subject. On the contrary, I hold that an emancipated convict should be relieved of all civil disabilities so as to stand in the eye of the law in precisely the same light as the free man. But I hold also that there are certain positions in society into which he ought not to intrude, certain offices which he ought not to be permitted to hold. For example, although Origen, in a recently discovered work of that Christian Father, informs us that one of the Popes of Rome in his time had previously been a convict in Sardinia, for the embezzlement of money*, I do not consider the precedent a good one, and would therefore prevent an emancipated convict from becoming a minister of religion. I agree with Judge Bent in thinking that an emancipated convict lawyer, especially if he has been convicted of perjury or forgery, should not be permitted to practise in courts of law. I disagree with Governor Macquarie in considering such persons ineligible for the magistracy. I disapprove of their being employed as teachers of youth; and last, but not least, I consider it absolutely disgraceful to the rulers or the public of any country to allow a person of this description to be the editor of a newspaper or to write for the public press.

* See a late Number of the Quarterly Review.

Conceiving, therefore, that the moral reformation of the colony was absolutely hopeless, while such an abomination was openly permitted to subsist by the Government and the public, and conceiving also that the press itself was the proper organ to vindicate its own character and dignity, I had no sooner established the weekly journal I have already alluded to, in the year 1835, than I published a series of articles in that journal to put down the intolerable nuisance of a Convict Press, by arraying public opinion against it, in default of that assistance which I had a right to expect from the Local Executive. The result of this effort was a prosecution for libel, in which I had the whole body of emancipists, who were then both numerous and wealthy, leagued against me; the late Samuel Lyons, Esq., a person of this class, of very profligate habits, being the leader of the corps, and the treasurer of the fund which was raised by the body to ruin me by due course of law; and Mr. Wentworth, and certain of the other abler members of the colonial bar, being retained for the prosecution. On being called on to show cause before the three judges why a criminal prosecution should not be instituted against me, I addressed the court in a speech which, together with the article on which the prosecution was founded, will be found in the Appendix, No. III.; entering into the *rationale* of the case at considerable length, which I deemed it better to do myself than to entrust to a professional barrister. At the close of my address, I was complimented by one of the barristers who were present, but who told me at the same time, that I had mis-timed my speech, which he thought I ought to have reserved for the trial. I thought otherwise, however; for I foresaw that if public opinion should in any way be declared in my favour, there would be no trial at all. And the result proved that I was not mistaken; for as the case had excited intense interest, and as I had completely succeeded in carrying the reputable portion of the public along

with me, Mr. Samuel Lyons and his emancipist friends deemed it expedient not to go on with the trial, although the judges had granted the rule for it; and the Convict Press of the colony was thenceforth annihilated. This was the last struggle in New South Wales between the two antagonistic principles that had been marshalling their forces against each other for the previous twenty-five years. From that period the emancipists have been gradually diminishing both in numbers and in comparative wealth; and they have now disappeared altogether, as a separate and organized body, from the face of society.

There was another important struggle, in which I deemed it expedient to engage, during the administration of Sir Richard Bourke, for the establishment of a moral ascendancy in New South Wales. A vile system of concubinage had till then been extensively prevalent among both classes of colonial society, and public opinion was too feeble, and the influence of religion too little felt, to put it down. In these circumstances I published, in the weekly journal I have already referred to, a series of portraits of colonial delinquents of this description—some in prose and others in rhyme—which could be easily identified, and in which the powers of ridicule were invoked in aid of the cause of virtue. One of these (see Appendix, No. IV.) led to certain legal proceedings, in which the nominal editor of the paper—who would not allow me to acknowledge the authorship of the article (which I was willing to do at all hazards), as the judge before whom the matter at issue was to come sympathized with the offender, and was known to be perfectly rabid in the matter—was fined a hundred pounds, and to be imprisoned till it should be paid. The fine was paid *by the public* in a few hours, and notwithstanding its imposition, the system of colonial concubinage unquestionably sustained a heavy blow and great discouragement throughout the colony. In numerous instances, persons who had been living long in that ex-

ceptionable state got married—some, doubtless, from a sense of duty, and others, it may be, from the fear of exposure. In short, there are states of society in which the man who would honestly promote the moral welfare and advancement of his fellow men, must lay his account with running considerable risks; for otherwise he will achieve no important victory.

A census of the inhabitants of the colony was taken on two separate occasions during the government of Sir Richard Bourke—the first in the year 1833, when the total population amounted to 60,861; and the second in the year 1836, when it amounted to 77,096. The estimated population of the colony in December, 1837, was 85,267.

Our acquaintance with the physical conformation of the interior of the Australian continent was much extended during the government of Sir Richard Bourke. In consequence of an idea entertained by Major (now Sir Thomas) Mitchell, the Surveyor-General of New South Wales, that an outlet existed for the waters of the interior to the north-westward, an expedition was fitted out for a journey of discovery in that direction, in the year 1831, immediately after General Darling left the colony; the petty jealousies which were unhappily allowed to influence the operations of the colonial government having previously precluded Major Mitchell from attempting to ascertain by actual examination the correctness of his conjecture. Major Mitchell's expedition was unfortunate in its issue. A *dépôt* was formed in the course of the journey, at which a large portion of the provisions intended for the expedition was deposited under the charge of two convict servants: in the absence, however, of the rest of the party, the two men were speared by the natives, and the provisions either carried off or destroyed. Major Mitchell was therefore obliged to return to the colony much sooner than he had expected, and without accomplishing the main object of his journey.

Considerable light, however, was thrown on the geographical conformation of the Australian continent by this expedition. It was ascertained, for instance, that the dividing range which separates the interior waters flowing ultimately in a northerly from those flowing ultimately in a southerly direction, was considerably farther to the northward than had previously been supposed; the rivers Gwydir and Dumaresq, or, as they are called by the natives, the *Kindur* and the *Karaula*, which Mr. Cunningham had discovered flowing in a north-westerly direction, having been ascertained to alter their course, and to flow afterwards to the southward and westward. It was, therefore, now beyond a doubt, that the river Darling is the common receptacle for the various streams that rise on the western declivity of the mountains that run parallel to the east coast of the continent—the Macquarie, the Castlereagh, the Peel, and the two rivers discovered by Mr. Cunningham; Major Mitchell's conjecture in regard to the northern waters still remaining to be verified by future discovery.

In the year 1835, Major Mitchell was directed by Sir Richard Bourke to proceed on an expedition of discovery to the western interior, to trace the Darling river, which had been discovered by Captain Sturt in the year 1828, and traced by that talented officer for about ninety miles in a southerly direction to its unknown outlet. Captain Sturt, it will be recollected, had subsequently discovered the outlet of another river on nearly the same meridian, when sailing down the Murray river to the lake Alexandria, very far to the southward; and the problem to be solved by Major Mitchell's expedition was whether this river was the Darling.

Major Mitchell proceeded in a westerly direction, from Boree, a grazing station to the westward of the settlement of Bathurst, along the Bogan river, or New Year's Creek of Captain Sturt, till it emptied itself into the Darling. Along the whole course of the Bogan, he

found moderately good land, with abundance of pasture for sheep and cattle, as well as of useful forest timber. The Darling he found impracticable for navigation in that part of its course; but he succeeded in tracing it for three hundred miles to the southward, from the point where it receives the waters of the Bogan; leaving only a hundred and thirty miles of its farther course, to the point where it was supposed to empty itself into the Murray, unexplored. The valley of the Darling is evidently subject to inundations; and these, from the long course which the river pursues to the southward, and from its being the general receptacle of the western waters, must be frequent and extensive. In general it is unpromising enough in its appearance; but as Major Mitchell discovered no fewer than thirty-two new varieties of grass in the course of his expedition, thirty of which were found in the valley of the Darling, it affords considerable facilities for the settlement and subsistence of a pastoral population. There is now a whole series of sheep and cattle stations on its banks.

In the year 1836, Major Mitchell was again directed by Sir Richard Bourke to proceed to the interior, to follow up the discoveries of his former journey, by tracing the Darling for the remainder of its course, and afterwards to explore the Murray river, on his return to the colony. Having accordingly struck across the country by a different route from the one he had pursued in his former expedition, and formed an encampment near the junction of the Murray and Murrumbidgee rivers, Major Mitchell succeeded in tracing the Darling for the hundred and thirty miles of its course which he had previously left unexplored, and thereby verified the conjecture of Captain Sturt, by identifying the river which that intelligent explorer had found emptying itself into the Murray in the year 1831, with the stream which he had discovered so far to the northward in 1828.

In the second part of his journey, when tracing the

Murray towards its source in the south-eastern angle of the continent of Australia, Major Mitchell discovered a splendid tract of country, to which he gave the name of Australia Felix, and which now constitutes the colony of Victoria, or Port Phillip, equal in extent to the whole island of Great Britain, fascinating in its general aspect, traversed by numerous perennial streams, and equally adapted to agricultural and pastoral pursuits.

It cannot be denied, however, that Sir Thomas Mitchell, who received the honour of knighthood for this discovery, must be content to share the honour of having discovered and made known the extraordinary capabilities of this highly eligible tract of country, with certain other and less distinguished explorers. Not to mention the important and unrewarded expedition of Messrs. Hovell and Hume, who discovered and crossed the three rivers whose united waters form the Murray, — the Hume, the Ovens, and the Goulburn, — and who also discovered and traversed the intervening tract of rich pastoral country between the Goulburn river and the present site of Melbourne; the late Mr. Batman, a native of Parramatta, in New South Wales, then residing in Van Dieman's Land, had crossed over from that island to Port Phillip, in the year 1834, in search of pasture on the mainland for the surplus stock of the island, and had discovered the open pastoral country, of which the tract subsequently discovered by Sir Thomas Mitchell was merely a continuation, for many miles to the westward, both of Melbourne and Geelong. Numerous adventurers from Van Dieman's Land had accordingly crossed over to Port Phillip with their flocks and herds in the year 1835; so that before Sir Thomas had reached Australia Felix at all, there were actually 200 persons from Van Dieman's Land, with 30,000 sheep and numerous cattle and horses, actually settled to the westward of Melbourne and Geelong. I happened to be in Van Dieman's Land myself in November 1835, and found both ends of the island

ringing with the tidings of the splendid discoveries on the opposite coast, the noble tracts of country that had been traversed to the westward of Geelong, and the numerous Companies and Associations that had been actually formed in the island to acquire landed property in the newly discovered country, and to occupy it extensively with sheep and cattle. For certain learned lawyers, whose cupidity had got the better of their judgment, had actually drawn up regular parchment deeds, which were duly signed, sealed, and delivered, whereby it was pretended that millions of acres of the richest land in Port Phillip had been conveyed to them by the black natives for a few blankets, a few knives and hatchets, and a few hundredweights of flour. All the European Governments in modern times that have formed colonies among uncivilized tribes, have uniformly regarded the Aborigines of the countries they have thus colonised as in a state of pupillage, or as wards in Chancery, and have refused to recognise any alleged bargains of this kind between the natives and their own subjects; and the Americans of the United States have wisely followed the example. It was not likely, therefore, that so acute a lawyer as Sir Richard Bourke would permit such claims to be recognised within the bounds of his government, although, as was alleged at the time, they had been connived at and supported by the Governor of Van Dieman's Land. On a reference to the Secretary of State, the respective purchasers from the natives were allowed—in land to be purchased from the Government by public auction—the full value of the various articles which they had given in barter to the natives, to the amount, at their own estimate, of 7000*l.*; and Port Phillip was accordingly taken possession of by Sir Richard, as a dependency of New South Wales, and a regular Government establishment was formed in the month of October, 1836. It is now a separate and distinct colony, with a population of upwards of a hundred thou-

sand souls*, while its capital, Melbourne, which, by the census of 1851, had 23,143 inhabitants, has now in all probability a population of upwards of 30,000 souls. With the single exception of San Francisco, of which the origin and history are remarkably exceptional, and not to be taken as an instance of colonisation at all, there is no city in the United States which has ever accumulated so large a population in so short a time.

* The population of Victoria, or Port Phillip, amounted, on the 1st of March, 1851, immediately before the announcement of the gold discovery, to 77,345. It was supposed, on the 1st of April, 1852, to amount to 115,000.

CHAPTER IX.

STATE AND PROGRESS OF THE COLONY DURING THE
GOVERNMENT OF SIR GEORGE GIPPS.

Impiger, iracundus, inexorabilis, acer.—HOR.

IF the Governors of New South Wales, from and after the period of Governor Macquarie, are in comparison with their predecessors of the *Primitive* and *Secondary* formations, to be considered as the *Transition Series* of that colony, the first two of this series—viz. Sir Thomas Brisbane and Sir Ralph Darling—may be referred to the *Eocene* period, in which the number of free emigrants, as compared with the convict and emancipated convict classes of the colony, was comparatively small ;

—— rari nantes in gurgite vasto.

To continue the metaphor, the period of Sir Richard Bourke's government may be regarded as the *Miocene* period, during which the proportion of free emigrants, although they had not yet obtained the preponderance, had greatly increased ; but the government of Sir George Gipps, with that of his successor, the present Governor, may be regarded as the *Pliocene* period, during which the free emigrant and native-born colonists have vastly outnumbered the other classes, and in which all traces of the convict origin of the colony have been rapidly disappearing.

The ninth governor of New South Wales was Sir George Gipps, who entered upon his office on the 24th of February, 1838 ; the government having been administered during the *interregnum* that ensued on the departure of Sir Richard Bourke on the 5th of December, 1837, by

Colonel Snodgrass, a son of the late Rev. Dr. Snodgrass, one of the ministers of Paisley, and the hero of St. Sebastian, in Spain, as Lieutenant-Governor.

Sir George Gipps was, of course, a military man. Where, indeed, is the talent for governing men so likely to be found as in those services — the army and navy — in which men, not excluding even those in authority, are governed into mere machines, and not unfrequently denuded in the process of some at least of the nobler attributes of humanity? He had attained the rank of Captain in the Engineers, when he became private Secretary to Lord Auckland; and through that interest, seconded by his own undoubted ability, he had been appointed one of the Three Commissioners who were sent out to investigate the affairs of Canada, previous to the Canadian outbreak of 1837.

Sir George Gipps had evidently received a superior education; on which he had diligently superinduced a large stock of valuable general knowledge. Confessedly superior, both in intellect and acquirements, to the generality of mankind, he had a keen perception of what was right both in argument and in conduct, together with a nervous style and a ready elocution; and his powers of sarcasm, as a public speaker, were of no mean order. In short, among the old wives of the old Nominee Council that continued to drag on a sort of vegetative life during the first five years of his administration, Sir George Gipps was—like Saul among the people—higher than all of them from the shoulders upwards. At the same time, it was a subject of general complaint that he was rude and repulsive in his manners, arbitrary in his disposition, and overbearing in his demeanour. His moral sense also was somewhat obtuse; and he was remarkably deficient in the finer feelings and relatings of humanity. His inferiors regarded him rather with fear than with respect and reverence; and while he succeeded in making many enemies, I am not aware that he made any friends.

With all his acknowledged mental qualities, Sir George Gipps was of an essentially narrow and diminutive mind — incapable of enlarged and comprehensive views either of the nature and requirements of his own position, or of the interests of those whom he had been commissioned to govern. In matters of government, he was a man of but one idea, and, unfortunately for the colony, that idea was an egregiously wrong one.

The leading maxim of Sir George Gipps — the grand secret indeed of his government — was, that it is the first duty and the chief praise of a governor to transfer the money of the people, as largely as possible, into the Public Treasury. He seems to have regarded the colony as a sort of milch cow, of which all the milk that could be extracted from her, whether by coaxing or by cudgelling, was to be poured into the Government pail. And if it had been urged, as a reason for sparing the cow, “In that case you will starve the calf,” he would have replied — using a favourite, although rather inelegant, but sufficiently characteristic, phrase of his own — “*He did not care five farthings* for the calf, provided the cow could only be made to give him her milk.”

The discovery of a splendid tract of available country in the district of Port Phillip, towards the close of the administration of Sir Richard Bourke, had excited a strong spirit of emigration to the colony generally, and especially to that part of it, in the mother country; for it must be borne in mind that, until the month of July, 1851, Port Phillip was merely a portion of New South Wales. Numerous emigrants of a superior class in society emigrated to the colony, to settle as stockholders, agriculturists, and merchants, carrying out with them a comparatively large amount of British capital; and as emigration at the public expense was in the meantime pursued on a large scale, in consequence of the increased productiveness of the land fund, and the increasing demand for labour, the general population was doubled

by means of immigration exclusively, within a very few years.

In such circumstances — with numerous respectable families from the mother country arriving in the colony, and many of them living in tents till they could obtain land to settle on, or town allotments, on which to erect dwelling-houses or stores — it was obviously the bounden duty of the Local Government to facilitate the settlement of these families, by enabling them to obtain suitable land for cultivation, and town allotments of sufficient extent for their respective purposes, at a reasonable rate, and without delay; for nothing can be of greater importance to the welfare and advancement of a colony than the speedy and comfortable settlement of respectable, virtuous, and industrious families and individuals in its territory. But in order, I presume, to fill the Government Treasury, and thereby to excite the wonderment and secure the applause of ignorant and misjudging people, including the great autocrat of all the colonies himself, Sir George Gipps adopted a policy, in regard to the disposal of waste land and town allotments, as heartless on the one hand as it proved short-sighted and suicidal on the other. For, as if the Government itself had been one of the class which its own impolitic measures speedily called into existence, — a mere land-shark, — every petty and contemptible expedient was forthwith employed, to give a fictitious value to the land and building allotments which the Government had to sell, and to cozen the unfortunate emigrants out of their money.

The first expedient employed for this purpose was to throw into the market only a small quantity of land and town allotments in proportion to the well-known demand. By this means, the unfortunate emigrants, who were necessitated to obtain land or building allotments at any cost, were virtually compelled to bid against each other, till the price of both reached an enormous amount; while the Governor and his man *Friday*, the superintendent of

Port Phillip*, doubtless laughed outright at the success of their *artful dodge*. But the emigrants were in the mean time crippled in their means, involved in debt, and in many instances eventually ruined, while millions of acres of the richest land around them were lying utterly waste! Mr. Richard Howitt, a member of a well known literary Quaker family in the city of Norwich, who went out to settle among the first emigrants to Port Phillip, but who left the country in disgust after a few years' trial, on finding that he had been all but ruined, in the very midst of all the elements of plenty and prosperity, through the absurd policy of the Local Government in regard to the disposal of waste lands, has published a work, in which he details his own bitter experience on the subject, and in which the reader will find that these statements are by no means exaggerated.†

Another expedient of the policy of Sir George Gipps was to place a high upset price upon all town allotments — I do not mean in towns already formed and well inhabited, in which case the practice was undoubtedly right and proper‡, but in towns which existed at the time only on the map, or were merely in the first stages of their existence. For example, 300*l.* an acre was the upset price, almost from the very first, for town allotments in Melbourne and Geelong, in the district of Port Phillip. The evil consequences of this absurd proceeding,

* Charles Joseph Latrobe, Esq., now Lieutenant-Governor of the colony of Victoria, or Port Phillip. At a public meeting in Melbourne, this gentleman modestly described himself as a person whose highest ambition it was to play "second fiddle" to Sir George Gipps. At all events, he is quite incapable of playing a first fiddle any where, and especially where he is.

† First Impressions of Australia Felix. By Richard Howitt.

‡ For instance, the upset price for land in the city of Sydney has long been £1000 an acre; but nobody thinks this too much, as the comparatively dense population of the town has given an extraordinary value to all building-ground either in or near it.

in addition to the serious evil of crippling the emigrants, by draining them of their available means, were twofold : 1st. The allotments actually purchased in these towns were, in numerous instances, cut up, by the calculating speculator who purchased them, into insignificant fragments, to be resold to a humbler class of purchasers at an exorbitant profit ; and numerous narrow lanes and *culs de sac* were thus formed, in which the labouring population, by whom the buildings erected on these fragmentary allotments were chiefly inhabited, were very soon almost as densely crowded together as in some of the largest capital cities or manufacturing towns of Europe — an arrangement which, in a comparatively warm climate like that of New South Wales, constitutes a perfect nursery of fever, and other forms of contagious or epidemical disease. 2ndly. Knowing people bought large suburban allotments, which they obtained at a comparatively low price — at 2*l.* or 5*l.* an acre — beyond the limits of Sir George Gipps' towns ; and cutting them up into half-acre or quarter-acre allotments, immediately advertised other towns, as rivals to the Governor's, in their immediate neighbourhood. Hence it happens that all the principal towns, of the era of the government of Sir George Gipps, from Geelong and Portland, in latitude 38° south, to Brisbane and Ipswich, in the Moreton Bay country, in latitude 27° south, resemble respectively so many hens and chickens, each consisting of a larger town in the centre, with a number of smaller ones all round it. In this way, the peculiar advantages of towns — the concentration of the population within a reasonable space, and the consequent ability of the inhabitants to provide for themselves all the requisite public improvements at a comparatively trifling cost — are lost on the one hand, while all the disadvantages of the country — distance and discomfort — are entailed upon the community on the other.*

* The English reader may perhaps consider this a very small and unimportant matter on which to found an objection to the

In those colonial towns, moreover, that owe their origin to Sir George Gipps, there is no public square to be found, whether for the ornament of the place, or for the health or recreation of the people. The great continental island of Australia, it seems, was too small, in his Excellency's estimation, for such reservations for public purposes, so long as the ground could be cut up into town allotments, and sold by public auction for the benefit of the Treasury!

Ancient history informs us that, when Cyrus, King of Persia, — the Cyrus of Holy Scripture, — was preparing to subjugate the Ionian Greek cities of Asia Minor, certain Lacedæmonian envoys, whose influence the Ionian cities had solicited on the occasion, endeavoured to dissuade him from his purpose by threatening him, in the event of his persisting, with the high displeasure of their powerful State. Cyrus, it seems, had asked some Greek refugees at his Court who the Lacedæmonians were, and what sort of government they had; and having thus obtained some insight into the nature and workings of popular government, he told the envoys in reply—alluding

policy of any Governor, or representative of Majesty in the colonies; but it is a very important matter to the colonial community after all. For example, a minister of religion of any communion, a medical man, or even a lawyer, will be able to extend his services over three times the number of people in a compact little town, compared with the number to which he could do duty in any of these departments of professional labour, in a number of insignificant little villages, situated at considerable distances from each other. In the former case, therefore, the people will be better supplied in all these particulars, and at a comparatively small cost to themselves; while the comfort of the community and the interests of morality and religion will be correspondingly advanced. The reader can easily pursue the idea in the article of procuring a supply of water for a compact little town, in that of securing good streets or roads, and in that of lighting it at the public expense. How are such things as these to be accomplished in a number of insignificant little villages? The fact is, nobody thinks of them in such places, and the community sustains the loss.

of course to their popular assemblies, which were then held in public squares—"That he never should fear men who had a square in the midst of their city, in which they met together to practise mutual falsehood and deception; and that, if he continued to enjoy the blessings of health, he hoped to afford the Spartans more domestic reasons of complaint, than his military preparations against the Greeks of Asia."* Whether Sir George Gipps had a similar reason for his dislike to squares in Australian towns I cannot tell; but the fact is certain, and it is only the more remarkable, as, not to mention the practice in England, he had visited both Portuguese or Spanish, and American cities, in which it is universal. The *Largo da Santa Anna*, in Rio de Janeiro, and *Washington Square*, in Philadelphia, are noble reservations for the health and comfort of the inhabitants of these cities; and reservations of a similar kind are surely equally desirable in the warm climate of New South Wales. The inhabitants of Sydney are indebted for the noble reservation of *Hyde Park*, in their city, to Governor Macquarie, and the officers and soldiers of the 73d Regiment, who cleared the land for it. Had Sir George Gipps had that land to work upon, he would most certainly have cut it up into town allotments, and sold them for the benefit of the Treasury.

The extensive emigration which had taken place to New South Wales during the first four years of the administration of Sir George Gipps, was attended with an extraordinary influx of British capital, in addition to the large amounts that had been carried out individually by the more respectable class of emigrants. The Bank of New South Wales, the first establishment of the kind in the colony, had been formed in the year 1816, during the administration of Governor Macquarie; and the Bank of Australia, under that of General Darling, in the year

* History of Greece. By John Gillies, LL.D., i. 327.

1826. These establishments had been found sufficient for the monetary purposes of the colony for eight or nine years thereafter; but, in the years 1836 and 1839, there had been added to them two Mammoth Banks, as they were called, with a comparatively unlimited amount of capital from England, — the Bank of Australasia, and the Union Bank of Australia; and two other Colonial Banks — the Sydney Bank and the Commercial Bank — started up simultaneously, to divide the spoil.

In addition to the extraordinary facilities for obtaining the use of money, or, in plain English, for getting into debt, which were thus held forth to the speculating colonists, three other companies, of a somewhat similar kind, commenced operations under their respective colonial agencies, with a vast amount of British capital,—the Loan Company, the Trust Company, and the Aberdeen Loan Company, —all of which were to make the fortunes of their constituents, by lending money at a high interest, on the best security, of course, in New South Wales.

The Local Government were, at this period, in the habit of depositing the large amounts that accrued from the land sales in the different banks of the colony, and charging interest on these deposits at the rate of four per cent.; but Sir George Gipps, speculating doubtless on the soundness and permanence of the wonderful prosperity which the colony was exhibiting under this extraordinary influx of capital, and desiring to secure the largest possible share of that prosperity for the State, insisted upon having either seven, or seven and a half, per cent. in future as the interest on the Government balances in the banks; and as these establishments were now working against each other, his imperious mandate had to be obeyed, under the penalty of a withdrawal of the Government funds from the refractory establishment. To enable them to pay this high interest, and to make a large profit besides, the banks had to enlarge their discounts, and to take security for their advances, in the

descending scales of *Best*, *Better*, and *Good*, till they crossed the line of safety, and included a great many which had not even the positive degree of this commercial quality to recommend them, but which were notoriously *Bad*, *Worse*, and *Worst*.

With these extraordinary facilities for all sorts of monetary operations, the rage for speculation, not only in land and town allotments, but in sheep, cattle, and horses, reached a much greater height than it had ever done even during the *sheep and cattle mania* of the era of Sir Ralph Darling; and the most unbounded extravagance of living was in many instances the natural accompaniment of so unnatural a state of things. Everybody bought land and town allotments, or sheep, cattle, and horses, at enormous prices; adopting at the same time a scale of domestic expenditure proportioned to the profits they expected to realize, and giving their promissory notes for due payment to the banks, or mortgaging their houses and lands to one or other of the Loan and Trust companies for sums not unfrequently far beyond their real value. One mercantile house in Sydney, which, of course, fell when the storm came — *and great was the fall of it* — had purchased land on speculation at Port Phillip to the extent of upwards of 100,000*l.*; and a property which was mortgaged to one of the companies for 10,000*l.* sterling, and is now in the hands of the Company, realizes at present not more than 100*l.* a year.

The upshot of all this might have been foreseen, and was experienced at length in full force. The purchase of Government land and town allotments declined apace, and then ceased entirely. The obligations to the banks and the other lending companies, as well as to private individuals, fell due; and land and stock, and other property of all kinds, were forced upon a falling market to meet them. These articles of property consequently declined rapidly in value; falling as far below the average of former years, as they had been unnaturally

raised above it : and all but universal bankruptcy ensued. A flock of sheep was actually sold by the sheriff at this period, in satisfaction of a comparatively small debt, for sixpence per head ; while another flock, the property of one of the oldest merchants in the colony, was purchased at so low a price (one shilling and sixpence per head), that within two months after the sale, which took place in the month of September, just before shearing time, the fortunate purchaser realized upwards of 250*l.* more than the whole amount of his purchase-money from the wool alone, the flock being worth, in ordinary seasons, from 9000*l.* to 10,000*l.* In another similar case, cattle, which had been bought at six guineas a head, were sold at seven shillings and sixpence ; and horses, that cost sixty guineas, the produce of Persian and Arab steeds, brought only seventeen or eighteen shillings ; while a house in Sydney, for which 5000*l.* had been offered and refused very shortly before, was sold for 1200*l.* ; and sugar, which had been shipped at Manila at 15*l.* per ton, sold in Sydney for 10*l.* Carriages of all kinds, which had previously been numerous both in town and country, beyond all European proportion to the population, experienced a still more remarkable reduction. A first-rate curricie, quite new, which had cost 140*l.*, sold for 3*l.*, and numerous costly equipages, which it was now discovered were no longer needed, fell into the hands of the respective coachmen and grooms, who forthwith started them as *Hackney coaches* in the city of Sydney—a form of industry previously unknown in the colony—and managed to earn an honest livelihood for themselves ; occasionally taking up their “old masters,” *when they were able to pay them a fare.*

In the meantime numerous papers were published in the colonial journals, and numerous speeches were delivered at public meetings, explanatory of the causes of the “present monetary crisis,” as it was courteously termed, and assigning for it every cause but the right one : viz.,

the gross delusion into which the whole community had simultaneously fallen, in supposing that the real and permanent wealth either of individuals or of the colony generally, could be greatly increased by any other means than by patient and persevering industry and economy. It was a favourite idea of the period to ascribe the monetary crisis to the high price of land, of which the *minimum* price had been raised by act of parliament, in the year 1842, from twelve shillings an acre, at which it had been permitted to stand for a short time before, to one pound. This, it was alleged, had stopped the purchase of land, and thereby ruined the colony by putting a stop to immigration. But the fact was — and it was too well known to be doubted by any person who was not either wilfully blind to it, or merely desirous of finding an excuse for his own past folly — the evil had all been done before the price of land was raised : for so completely had the colony been drained of its funds by the enormous purchases of land from the Government before that event, that, I am confident, not one acre more would have been purchased at this period, had the former *minimum* been continued. With a view, therefore, to open the eyes of the colonists generally to their own folly and delinquency, and to guard them against a similar catastrophe in future, I published in the Colonial Journal, to which I have already referred, in the months of April and May, 1843 — that is, during the very midst of the crisis, and immediately before the assembling of the first Semi-Representative Legislative Council in the colony — the two following papers, which were much noticed at the time, and did considerable service both in New South Wales and Port Phillip, where they were generally acknowledged by intelligent and candid persons, as a faithful and striking portraiture of the two principal classes — the merchants and the settlers — who had involved both themselves and the colony in one general ruin. The papers detail the supposed examination of a member of

each of these classes before a supposed Select Committee of the forthcoming Legislative Council.

“THE PRESENT MONETARY CRISIS;

“OR, MR. DASHER’S EXAMINATION.

“THERE is nothing that, to us at least, savours so much of folly and self-delusion, if not of hypocrisy and absolute dishonesty, as the practice of some of our contemporaries, as well as of certain of their readers and supporters, in making a mystery about the causes of the present monetary crisis, as it is called — the present universal depression both in town and country. Public meetings have been spoken of to investigate its causes and to suggest a remedy ; and if the new Legislative Council had only been in existence, there is no question but that a committee would have been appointed long ago to take the subject in hand. Let us suppose, then, that such a committee has actually been appointed. Our two members for Sydney must of course be present at the meetings ; especially as one of them is chairman of the committee. Let us just step in then for a few minutes into the committee-room, and listen to the proceedings. Here they be : —

“ *Committee of the Legislative Council for ascertaining the causes of the present general depression throughout the colony, and for suggesting a remedy.*

“ *Die Martis, &c. &c., Sessio Prima.*

“MR. DASHER EXAMINED.

“ *Chairman.* — ‘ You are junior partner in the house of Flimsy, Dasher, and Co.?’

“ *Mr. Dasher.* — ‘ Yes.’

“ 2. ‘ In what situation in society did you move at home, and what might be the amount of your emoluments there?’

“ ‘ I was principal clerk in the house in London, and my salary was 200*l.* a year.’

“ 3. ‘ What sort of business did the house do, and what might be the style of living of the junior partner?’

“ ‘ The house was doing a good stroke of business, and realising considerable profits. The senior partner lived at Hackney ; the junior in town — in a house adjoining the counting-house.’

“ 4. ‘ Can you inform me whether the senior partner kept his carriage?’

“ ‘ No. Very few London merchants do — comparatively speaking. The junior partner’s establishment consisted of a man servant

of all work (for he had to do duty in the counting-house also) and two maid-servants.'

"5. 'Pray how many servants have you, as junior partner of the house here?'

"'Only nine! I had more lately, but I have begun to retrench since the Bank of Australia business got wind.'

"6. 'You require that number, I presume, for your establishment?'

"'It is difficult to do with fewer here, especially when one lives a little way out of town, and keeps a riding-horse or two, besides a carriage and gig.'

"7. 'You deem it necessary, I presume, to keep up such an establishment?'

"'Others do so, and one must be like other people, you know. But it is the *parties* that involve one in expenses here. I have told Mrs. Dasher fifty times that I would'nt stand it.'

"8. 'You have had large advances from the banks?'

"'Only 40,000*l.* or 50,000*l.* or so. We don't reckon that much here: I could mention a house that has had more than three times as much and no mistake.'

"8. 'The profits on merchandise have been rather low recently, I understand?'

"'They won't pay the expenses of an establishment by half, sir.'

"10. 'Pray to what do you ascribe the depression throughout the colony?'

"'To the exorbitantly high price of land, sir. I always tell Mrs. Dasher so; but she won't believe it.' (*Chairman, aside. — A very sensible woman!*) 'Look here, says I, Mrs. Dasher; if people have to pay twenty shillings an acre for land that ain't worth five, they won't come here at all; and if they do they'll be ruined. "Pshaw! my dear," says she, "it's not the land; it's them low people as one 'as to 'sociate with here—'orrid vulgar people as one wouldn't have in their kitchen at home. What do you think, Mr. Dasher?" says she; "some on 'em doesn't know the use of finger-glasses; they think it's for drinking with!"'

"11. 'Your wife must be a very superior woman, Mr. Dasher. But I presume you have been doing a little in land?'

"'Thank you for Mrs. Dasher; and I have been doing something in land like other people! I bought about 20,000*l.* worth at Port Phillip!'

"12. 'You mean you paid 20,000*l.* for it; but is it worth that now?'

“ ‘Not a fourth of it ; and that is what I say — it is the high price of land that has ruined the colony !’ ”

“ 13. ‘ I presume you purchased your land since the present high price of twenty shillings an acre came into operation ?’ ”

“ ‘Not an acre, sir ; but when other people bid high for land at a public sale, and you wish to have it, you must bid higher or be done out of it.’ ”

“ 14. ‘ I presume your land is well stocked ?’ ”

“ ‘It wouldn’t pay else. If one has land, one must have sheep and cattle to eat the grass.’ ”

“ 15. ‘ Pray, what might your stock cost when purchased ?’ ”

“ ‘The sheep cost two guineas a head and the cattle 10*l.* — with the calves given in.’ (*Chairman, aside.* — A mere sucking calf himself.) ”

“ 16. ‘ They wouldn’t bring that amount now ?’ ”

“ ‘Not by one half, with all the increase ; leaving the interest of the money out of the question.’ ”

“ 17. ‘ I presume you must have brought out a large amount of capital with you, to make such large investments ?’ ”

“ ‘Not a farthing, sir ; didn’t I tell you I got 40,000*l.* or 50,000*l.* from the Bank of Australia ?’ ”

“ 18. ‘ And gave security on the land and stock ?’ ”

“ ‘Precisely.’ ”

“ 19. ‘ Pretty good security still, I presume ?’ ”

“ ‘So so ! But we must look for better times.’ ”

“ 20. ‘ You consider the high price of land the cause of the general depression. Now, as you have doubtless turned your attention to the state of the country, pray what remedy would you propose for the relief of the colony from its present embarrassments ?’ ”

“ ‘A loan of a million or two on the security of the land, under the guarantee of the Home Government, would, in my opinion, set us all right.’ ”

“ 21. ‘ Wouldn’t the interest of so large a sum be a heavy tax on the future industry of the colony ?’ ”

“ ‘People don’t think of *paying* interest now-a-days, much less principal !’ ”

“ 22. ‘ You mean they file their schedules, and make a clear stomach of it by swallowing a dose of our new quack medicine, Burton’s Purge.’ ”

“ ‘Precisely.’ (*Exit* — Mr. Dasher.) ”

“ *Chairman.* — ‘Ha ! ha ! ha ! What a pretty fellow we have

had here to begin with to be sure! A perfect specimen of the whole gang, however! Why here is a person who comes and tells us that he was merely a merchant's clerk in London, at a salary of 200*l.* a year, and that the principal partner of the respectable house he belonged to, although doing a good stroke of business and living out of town, did not keep a carriage, but went into town every morning, and returned in the evening by the omnibus, or short stage; while the junior partner lived on the premises in town, having only two maid-servants, and getting the counting-house porter occasionally to go messages, or to wait at table when he had a friend or two at dinner. And yet here is this precious clerk, who, probably, marries one of his master's maid-servants and comes to Sydney as the junior partner of the house here, and no sooner arrives than he sets up an establishment like a German prince — a precious sight better than some of these princes could afford to maintain — having nine servants, a carriage and a one-horse *shay*, with a riding-horse or two besides, and every thing to match; giving splendid parties, and affecting the aristocrat by looking down on honest industrious people whom he is likely to ruin in the end! Here is this fellow, I say, who comes here without a farthing, getting 40,000*l.* or 50,000*l.* on his trumpery security, from the Bank of Australia, to invest in land, sheep and cattle — all purchased at enormous prices, because other unprincipled speculators like himself are enabled to go into the market with the same fictitious wealth — and telling us, now that all is gone, and there is nothing left to pay the piper, that he has thoughts of making a clear sweep out of his filthy interior by means of Burton's Purge! Gentlemen, can any community under the sun maintain itself under such an organised system of reckless extravagance and enormous speculation as this? The high price of land, forsooth, the cause of our depression! Why, the fellow told us he had purchased every acre of his land *before* the price had been raised to a pound an acre! It was raised to something like that price, at the Government auctions, by himself, and others like him, whom these rotten concerns, the Bauks, had sent into the market with their pockets full of fifty pound notes, to raise the prices of everything over the heads of such honest men as most of my constituents! And then as to the *panacea* this person would prescribe for all our evils — a loan of a million or two from England, on the security of the waste land of the colony, to be guaranteed by the Home Government — Gentlemen, the Home Government are not such flats; neither are the Loudon Money-lenders. It will be quite sufficient to cure them of any propensity to lend money here, to show them how Burton's

Purge has operated on the Colony for the last fifteen months. Why, it is as bad as repudiation, gentlemen! It is downright swindling by wholesale! But we must have a change in the law, gentlemen; for if a poor fellow in the situation of a clerk who commits a breach of trust by appropriating other people's money to his own purposes, gets transported for his pains, there ought decidedly, I say, to be a law to reach these wholesale swindlers, whether Bankers or others, who get hold of other people's money and appropriate it to their own purposes, at this enormous rate. Gentlemen, it is half-past three: to your beefsteak and back to the House at four; for we shall have a sharp debate to-day on my motion to reduce the Governor's salary to 3,000*l.* a year.' — (*Exeunt omnes*)."

THE PRESENT MONETARY CRISIS (*continued*).

"We were gratified to learn that the recent examination of Mr. Dasher before a Committee of the forthcoming Legislative Council had served to open the eyes of certain of our readers as to the true causes of the present monetary crisis. It is of great consequence to have such honest straightforward witnesses as Mr. Dasher to give evidence on so important a subject; for when a man comes forward and states the particulars of his own history and experience on the road to ruin so very circumstantially as Mr. Dasher has done, it enables us to discover how many others who have evidently been travelling on the same beaten track have ultimately reached the same goal. Judging from the past history of this Colony, and the comparatively few failures that had taken place in it for many years, during our own long experience of its men and manners, previous to the year 1842, we supposed at first that the celebrated patent medicine of the past year, we mean Burton's Purge, was intended only for a few of the more intractable cases of our Colonial Nosology. But it has unfortunately become quite a domestic medicine throughout the Colony. It is in every body's hand — in every body's mouth; and if it has not yet slain its thousand, it will evidently do so very soon. In such circumstances it is well to have such a case as that of Mr. Dasher to refer to. It is the general type of a whole class — *Ex uno disce omnes*. In other words, Mr. Dasher is no unfit sample of our Colonial mercantile community.

"We presume our readers will not be unwilling to step into the Committee-room once more. At all events as there is so little business doing at present, we do not know that they can spend an hour better, especially as Mr. Shorthorns, the settler, is to be examined to-day previous to his taking the benefit of the Purge.

“Committee of the Legislative Council for ascertaining the causes of the present general depression throughout the Colony and for suggesting a remedy.

“Die Lunae, &c. Sessio Secunda.

“MR. SHORTHORNS EXAMINED.

“*Chairman.*—‘You are an old settler in the Colony, Mr. Shorthorns?’

“*Mr. Shorthorns.*—‘Yes, Sir; I came out in Sir Thomas Brisbane’s time, and that is not yesterday I think now.’

“16. ‘You brought out an order for a Grant of land, I presume, from Earl Bathurst, who was then Secretary of State for the Colonies?’

“‘I did, Sir, and selected two thousand acres, the extent allowed me by the Governor, at Hunter’s River.’

“17. ‘Pray, what other indulgences accompanied the Grant?’

“‘I had a few cattle, not exceeding ten, lent me from the Government herds, to be returned in seven years, together with rations for myself and about half-a-dozen convict servants for six months.’

“‘18. You had also an unlimited supply of convict labour of all kinds, free of cost?’

“‘Not quite unlimited. The Government in fact could not supply us with the number and description of labourers we required; but there were few settlers at that time who could not get at least ten or twelve such labourers, if they required them.’

“19. ‘Now what could have prevented you from getting amazingly rich under such a system—with land for nothing, stock on loan without interest *for seven years*, rations from the Stores for six months, and plenty of convict labour to the bargain?’

“‘There was certainly nothing to prevent us from getting rich enough; and if we had only gone on as frugally as we began, we should doubtless have done so. But when one begins with little and gathers much easily, his ideas expand; and the more one has the more he is tempted to spend. As Mrs. Shorthorns said of the tea when she came here, and found it so cheap compared with the price at home, “It comes to the same thing at the year’s end, for you only put more of it *in*.”’

“20. ‘Pray, what was the style of living among the settlers in Sir Thomas Brisbane’s time?’

“‘Dampers and tea, Sir, with a mutton chop, or a fowl and a slice of bacon when a friend dropt in. There were few gigs in the Colony then out of Sydney; respectable people had a sort of chaise-cart for great occasions, and settlers were not above lending a helping hand themselves when there was anything doing on their farms.’

"21. 'That was not the style of living, I presume, in Sir Richard Bourke's time?'

"'By no means, Sir: it was as different then as night is from day. The taste for mansion-building came into vogue about that time, and the taste for splendid equipages and livery-servants too. Mrs. Shorthorns—I say it with great pain—gave me no rest till I got all our men-servants tricked out in a new livery of sky-blue, lined with scarlet, and I was actually forced to have a search made in the *Heralds'* office for the arms of the family!'

"22. 'And pray what armorial bearings did they find for you, Mr. Shorthorns?'

"'It was something they call a *Cornucopia*, which my son John, who has just come home from a Grammar School on the Race Course, with the reputation of being a great Latin scholar, tells me signifies "plenty of horns." "But then," says I, "John, it doesn't say whether they are long or short horns." "Ah, father, you see," says he, "that is all in the motto, *Brevis esse laboro, I am trying to make them short.*" So you see, Sir, there were both arms and a motto found for the family—a thing, I am sure, my own worthy father, old John Shorthorns, the carcass-butcher, never dreamt of!'

"23. 'It was a happy circumstance, doubtless; and then your son, John, too, so promising a lad! But I hear you are *in*, too, with the Bank of Australia, Mr. Shorthorns; is it the fact?'

"'How could it be otherwise, Sir? Such a house as mine—a perfect palace, you know—could not be erected for nothing; and then the livery servants and the Champagne dinners, and the curricule and pair, which Mrs. Shorthorns insisted on my bringing to town, for a month or so at a time, every year—why, Mr. Chairman, that month or so in Sydney cost me far more than the whole twelve-month in the country!'

"24. 'I believe it—but have you not been doing a little also in land and stock?'

"'Why, I confess to my sorrow I purchased the *Bella Retira* estate, up the river, at the very worst time too, together with four or five hundred head of cattle and three thousand sheep.'

"25. 'I presume you could have done pretty well without making so extensive a purchase?'

"'Done without it, Sir! why it has been my ruin! We were going fast enough down hill before with our extensive home establishment; but this purchase put the cope-stone upon our downfall. Why, Sir, every acre I have is mortgaged to double the amount it will fetch now—buildings and all—and I have had writ upon writ against me for the last month, till I could stand it no longer, and

came off to town to file my schedule. Poor Mrs. Shorthorns and the girls have been crying from morning to night for a fortnight past at the thought of our being sold off from *the Priory* !’

“26. ‘That is the name of your original estate, I presume — I mean your Grant from Sir Thomas?’

“‘Yes, Sir; it was Mrs. Shorthorns who selected the name herself from some novel she had been reading.’

“27. ‘And so you have come to town at last to take the benefit of the Burton Purge?’

“‘Indeed I have, Sir; I had no other resource.’

“28. ‘And pray what plan have you been forming for the future?’

“‘Why, my own idea is to take a hundred acre farm on the river, which I can get a lease of at a reasonable rate, and to begin afresh; whether I shall be able to save a team of bullocks from the wreck to begin with I don’t know yet; but it don’t matter much. I am getting up in years, it is true; but I am both able and willing to do my best. I never object to plain fare myself, and I am not above honest industry, especially when it is a matter of necessity, as it is now. But Mrs. Shorthorns doesn’t like this plan. She thinks we should come to Sydney, where the girls might get situations as governesses, and where, she assures me, I would obtain a clerkship under Government with a good salary myself, through the influence of some of the official gentlemen we used to have at our Champagne dinners in town.’

“29. ‘Now, Mr. Shorthorns, take my advice in the matter. As soon as you have got through the Insolvent Court, go back to your family and settle upon the hundred acre farm with all convenient speed. You are a stout healthy man yet; you know well how to work for your livelihood, and I am glad to see you are not ashamed to do so; for, believe me, he is not only an honest but an honourable man who does so. If you set to work in this way, depend upon it there is no fear of you. At all events take your own way for once and not your wife’s. It is *you* who have to provide for your family and not she. She has only to manage economically within doors what you bring into the house; and tell her from me to keep her proper place for the future and you will keep yours. But by all means avoid Sydney as you would the plague. Neither come here to live *with* a carriage nor without one; and do not suppose, if you do, that any of your old official friends, whom you used to entertain with Champagne dinners, will do any thing to help you to a situation of any kind. There is not one of them who will know you now when they meet you on the street! They are a heartless, ungrateful pack — the whole gang of them!’

“ ‘I thought so myself, Sir, before I came here ; for on calling this morning at the office of the Honourable Mr. ———, who used to be dining with us every other day when we lived in town, he received me rather coldly with a “Ha! Shorthorns, is this you! bad times these, Shorthorns! but utterly impossible to find an opening for you. Good morning!” And so I left him.’ (*Exit Mr. Shorthorns.*)

“*Chairman.* ‘Well, gentlemen, this is not nearly so bad a case as I supposed. This is a good honest man after all. He has sense enough remaining to esteem poverty no disgrace and honest labour no hardship. It is his giddy wife, with her Priory, and her coat of arms, and her curricule and pair, and her livery servants, and her Champagne dinners in Sydney, that has ruined the poor man; for he has evidently had no taste for these things himself. I wish half the people who have taken the Judge’s *drastic* medicine were only like him; there would then be some hope for the Colony after all.”

The Burton Purge, referred to in these papers, was a New Insolvent Law, which had been passed by the Nominated Legislative Council, during the previous year, on the recommendation of Mr. Justice Burton, one of the puisné judges of the colony, now Sir W. Burton, Chief Justice at Madras. Its peculiarity, as compared with previous enactments on the subject, consisted in smoothing the way for unprincipled insolvents, and facilitating the process of general bankruptcy. For so general did the practice of “filing a schedule” become under the mild operation of the judge’s specific, that it ceased at length to be any disgrace, because it had ceased to be any distinction. Indeed so extensive was the insolvency of this period, that it was calculated, by the ablest financiers of the colony, that a sum amounting to at least 10*l.* per head for every man, woman, and child in the colony, that is, from a million and a half to two millions sterling, was lost to the English and colonial creditors through this all but universal crash. And that which rendered the catastrophe the more remarkable was that the seasons had been unusually good, while the real wealth of the colony, its flocks and herds, was increasing rapidly, and all the

necessaries of life were cheap and abundant. In short, the calamity was in no respect attributable to the act of God: it had resulted entirely from the folly and cupidity of man.

There was a fearful want of moral principle developed, in the disclosures of this period, among the would-be aristocracy of the colony. The shareholders in banks and other public companies had, in numerous instances, been regularly robbed of their money, by their managers and directors, who had covertly appropriated the funds of these institutions for their own private purposes, or for those of their friends. The fall of the Bank of Australia—the second of the colonial banks in point of date, but the first that fell—took place in the early part of the year 1843. It had long been considered the aristocratic bank of the colony, and as the circumstances of its failure were very disgraceful, I inserted the following remarks on the occasion in the journal above referred to, as a sequel to the examinations of Mr. Dasher and Mr. Shorthorns.

“The case of that establishment, therefore, is simply this: the shareholders or proprietors having entrusted the general management of their affairs to a Board of Directors, on the understanding and condition that the funds of the Bank should be distributed so as to benefit alike the Shareholders and the public generally, the Directors have allowed a complete monopoly of these funds to be created in favour of a comparatively small number of proprietors and their friends and acquaintance, to the great injury of the public and the ruin of the establishment. Instead of distributing those facilities in the shape of discounts, which the Bank had originally the full power of affording over an extensive portion of the community in sums of from 50*l.* to 4000*l.* or 5000*l.*, and thereby not only attaching an equally large portion of that community to its interests, but securing in the great majority of instances a perfectly sufficient guarantee for repayment, they have been advancing to a few enormous, and we fear indifferently principled speculators, on the most inadequate security, and in various instances on what is actually no security at all, the funds of a large body of proprietors for whom they were acting as publicly commissioned trustees, con-

fidential agents, and servants upon honour, in sums of 10,000*l.* ! 20,000*l.* !! 40,000*l.* !!! 100,000*l.* !!!! 150,000*l.* !!!!! respectively.

“Now what is all this but a direct breach of trust, dishonourable and disgraceful in the highest degree to all concerned! In point of absolute criminality, it is incomparably more culpable than ten thousand of those offences that, in times past, issued in transportation from the mother country to this Colony; and the evil it has entailed on this community in the general encouragement it has given to enormous speculation, and the consequent ruin in which it has involved so many reputable individuals, and the universal unhinging of society it has occasioned, has been a hundred fold greater. And the best of it is, all this enormous evil has been perpetrated in broad day-light, by the very purest of our Merinos, our genuine Saxons, whose coarsest wool will fetch half-a-crown any day, our Colonial aristocrats and no mistake! To use the delicate phraseology of Messrs. Child and Kemble of the Sugar Company, men of this stamp should ‘all hang together.’ Honester men, at all events, have done so before.

“Nothing has ever happened in the Colony that so strongly indicates the rottenness of our Colonial system, the hollowness of the pretensions of the very élite of our society, the moral worthlessness of our would-be-great. Enough has been said in times past of the ‘Forty Thieves’ of Sydney: we should like to be informed by Mr. H. H. Macarthur, the Chairman of the Board, who and where are Ali Baba and the Forty now? We suspect their den will be found somewhere about the Bank of Australia.

“And some of these borrowers and lenders on the great scale, these borrowers and lenders *on the sly*, and without the consent or concurrence of the parties whose money they both borrow and lend—are the men whom we are to have for Legislators, forsooth, under the New Charter for this Colony! These are the men—these Directors of the Bank of Australia, at least some of them—who are to have the control of the public money of the Colony! They have qualified themselves admirably for the office, we must confess, by their good services in that establishment; and we only wonder that, as they must have known some time ago that the Bank was ‘going,’ and would no longer require its present local habitation, they did not offer to let it for the New Council Chamber, to carry on the joke on a still greater scale and in the same place.

“Whatever may be the result of the late actings and doings of the Bank of Australia, they have already done incalculable injury to the Colony in its character and reputation beyond seas. Who will trust us? who will do anything but sneer at us now? In such cases the innocent are always sure to suffer for the guilty.

“Notwithstanding the ‘heavy blow and great discouragement,’ however, which the affair of the Bank of Australia has inflicted, both directly and indirectly, upon the Colony, we have still unbounded confidence in our resources. All we want, not only to recover our *leeway*, but to go rapidly a-head, is industry and economy—the former to develop and render available our great resources, and the latter to render us somewhat more independent of those of other countries. And there is nothing like the lash of adversity for stimulating a community to the practice of these minor but most important virtues. Our social fabric has hitherto been standing on a rotten foundation, and a large portion of the edifice must come down; seven hundred of its rafters, including not a few of its tie-beams (*vide Insolvent List*), having given way already. Far better have it down altogether than have such shores to prop it up as the Bank of Australia.”

Amid the disasters of this period, however, there was a remarkable illustration of the adage that “Necessity is the mother of Invention,” in a discovery of no unimportant bearing on the subsequent fortunes of the colony. Henry O’Brien, Esq., J. P. of Yass, an old colonist, and an extensive proprietor of flocks and herds, finding that sheep and cattle were so depreciated in value as to be almost valueless, and knowing that in certain other countries, in which these descriptions of stock were in great numbers, they were not unfrequently killed for the hides and tallow exclusively, bethought himself of making the experiment of boiling down the entire carcasses of a few sheep for the extraction of the tallow. The experiment succeeded to his utmost expectations, and it was thenceforth ascertained, to the great relief and satisfaction of the proprietors of sheep in particular, that, even in the most unfavourable times, these animals would in future be worth for their tallow alone five shillings per head. Since that period, numerous boiling-down establishments, as they are called, have been formed all over the colony for the extraction of the tallow, for the London market, from the carcasses of myriads of sheep and cattle which the population of the country has hitherto been much too small to consume.

When Sir George Gipps found at length that all his notable expedients to fill the public treasury had failed, and that he had actually killed the goose that laid the golden egg, he bethought himself of a new way of "raising the wind," at the expense of a class of the colonists who are technically called the *Squatters*. *Squatting*, as it is practised in New South Wales, had its origin during the government of Sir Richard Bourke. As practised, however, in that colony, it is totally different from what is known by the same name in America. The American squatter is a back woodsman, who travels westward, in the van of advancing civilisation, with his axe on his shoulders, and his wife and children, if he happens to be married, and all his other property, on a dray or light cart. On finding an eligible spot in the wilderness, he halts for a time; and then building a log-house, clearing, fencing, and cultivating a few acres of land, he embraces the first opportunity of selling his "betterments," as he calls them, that is his improvements, together with the right of pre-emption to which they entitle him, to some *bonâ fide* settler from the Eastern States, from the Old Country, or from Germany, who takes a fancy to the spot; and he then shoulders his axe again, replaces his wife and children and other property in the light cart or dray, and moves farther west to repeat the process. But the New South Wales squatter is a gentleman, it may be, of birth and education; who goes into the great Australian wilderness, with his flocks and herds and stockmen and shepherds, and erects a temporary house, generally of large sheets of bark in the first instance, in the first eligible and unoccupied tract of pastoral country which he finds; and he there lives, like one of the ancient patriarchs, depending for his present subsistence on the wool of his flocks, and for his future fortune on their rapid increase. For as New South Wales is a comparatively open country, while its forest timber is rarely deciduous, it differs entirely from the American forest,

in presenting an unlimited extent of pasture in its natural state.

In dealing with this important class of the colonial population, Sir Richard Bourke considered the natural pasture beyond the boundaries as a *common*, open equally to all colonists who chose to make use of it for the depasturing of their flocks and herds, so long as it was not required for the purposes of permanent settlement. And when requested to legislate for the squatters, which he was very unwilling to do, he merely imposed a yearly licence fee of ten pounds each for liberty to squat, so as to enable the Government to exclude improper or suspicious persons from the privilege; to which there was subsequently added, at the instance of the squatters themselves, a small tax of so much per head on all horses, sheep, and cattle, to provide for the establishment and support of a border police for the squatting districts. But as the revenue from these sources proved considerably larger than was necessary for the purpose for which it was professedly collected, Sir George Gipps thought the squatters could bear a considerable addition to their public burdens; so as to enable him to raise a revenue from squatting for the purposes of emigration, as the revenue from the sale of land had entirely failed. In the capacity, therefore, of Queen's Bailiff, forsooth, or Ranger of the Royal Domain, he issued a proclamation establishing certain regulations, in virtue of which the squatters were required, over and above the licence fee and the assessment on stock, to make certain periodical payments, in the form of compulsory purchases of land at the minimum price, for and in consideration of the privilege of squatting; or, in other words, in which he imposed upon them an odious and oppressive tax without the authority or concurrence of the Legislature.

"Nothing," observes an able writer, "is more inventive than the genius of oppression. Valentinian obliged his subjects to pay for the air they breathed. In Louis the

Fourteenth's time, *the peasant was compelled to purchase an article he did not want, to increase the revenue of the Sovereign.*"* Now, this was exactly the character of the peculiarly arbitrary and oppressive measure proposed, and attempted to be enforced, by Sir George Gipps. The squatter, or occupant of land in Australia, was quite willing to pay his licence fee and his assessment on stock; but Sir George insisted that he should also *purchase*, periodically, at the Government minimum price of one pound per acre, three hundred and twenty acres of land — *an article he did not want* — to raise a revenue for emigration, in lieu of the revenue legitimately available for that purpose, which had utterly failed, through a system of monstrous misgovernment for which His Excellency was himself alone responsible, and which had spread ruin far and wide over the land.

A measure of this kind was likely to occasion a prodigious outcry, as it did accordingly, among the squatters and their friends. Viewing the matter as it regarded the liberties of the country generally, I published a series of articles on the subject, showing that His Excellency had assumed precisely the same unconstitutional power as that against which the patriot Hampden so nobly protested, and the exercise of which brought Charles the First to the block — that of imposing taxes upon the people without the authority of parliament; that the attempt to represent the tax as a mere periodical purchase of land, was an artifice which ought not to blind the eyes of the colony to its real nature; and that the colonists of all classes ought to make common cause with the squatters in resisting a measure so unconstitutional and oppressive.

When questions of this kind are injudiciously raised by a Government, they uniformly give rise to demands which would not otherwise have been urged or thought of. If Sir Richard Bourke's squatting system had only

* Westminster Review, for March, 1845.

been let alone, the squatters would have been contented with their yearly licences, and no impediment would have been placed in the way of the permanent occupation of any portion of their *runs* for agricultural purposes, whenever a purchaser for such purposes should appear. But the injudicious procedure of Sir George Gipps, in attempting to subject the squatters to a species of indefinite taxation, virtually compelled them to band together for the attainment of certain objects which were utterly inconsistent with the real interests and advancement of the colony. These objects were, 1st, regular leases of their squatting stations; 2nd, fixity of tenure; and 3rd, rights of pre-emption: and I am sorry to add that, in the year 1846, immediately after the Whig ministry had got into power, and when it was impossible for the Heads of the Colonial Office to have learned the real state of the case, an Act of Parliament was passed, at the instance of the squatters and their friends and supporters in England, embodying the whole of these concessions, to the unspeakable injury of all future emigrants from the mother-country, as well as of all the rest of the colonists—whose voice was never allowed to be heard in the matter, and whose interests were entirely disregarded. But this enormous wrong—this notorious manifestation of Imperial ignorance and presumption, in legislating about matters which cannot possibly be understood in England, and which involve the interests and materially affect the prospects of whole communities at the ends of the earth—will only accelerate that *consummation* which, from a variety of other causes, is evidently rapidly approaching, and which, I have no hesitation in adding, is *devoutly to be wished*, for the welfare and advancement of the human race, when a power will be developed in Australia, sufficiently strong to repeal any obnoxious Act of Parliament whatever.

I arrived in England, from New South Wales, in December, 1846, only a few months after this famous Act

had received the Royal Assent, but before the Privy Council had decided upon certain modifications of the principle it involved, which the Act itself had authorised that body to incorporate with it: and, as I understood from Mr. Hawes, the Under Secretary of State at the time, that Earl Grey would willingly receive suggestions on the subject from any respectable quarter, I accordingly addressed a letter to his lordship, suggesting two important modifications of the Act, which I conceived would in great measure prevent its interference with the progress of colonisation in Australia. As a public writer in the colony, who had been doing his utmost to prevent the squatters from being subjected to indefinite taxation, under the mere authority of the Governor, I could not be supposed to have any hostile feeling towards that important section of the colonial population; but as a well-wisher of the colony, as well as of the myriads of the virtuous and industrious population of the working classes of the mother-country, for whom it presents so highly eligible a field, I could not but perceive that the Act, as it then stood, would operate as *a heavy blow and great discouragement* to the rapid settlement of the country with a numerous, industrious, and virtuous population from Great Britain and Ireland. For it must be evident, even to the most untravelled reader, that this rapid settlement of the colony cannot possibly be the interest of the squatters; as it tends to dispossess them of their *stations*, and to abridge their *runs*. *Here*, therefore, the squatters on the one hand, and the rest of the colony on the other, are directly at issue. Nay, it is questionable whether even those ancient squatters — Abraham, Isaac, and Jacob — would have liked their noble sheep and cattle *runs*, in the land of Canaan, to have been occupied, for agricultural purposes, even by the finest peasantry of their age, from Egypt or elsewhere. It is contrary to all the well-known principles and feelings of human nature to suppose that they would; and hence the absurdity, as well as the

suicidal policy, of allowing so deeply interested a class as the squatters to legislate for the whole colony, as they were virtually permitted to do in the Act in question.

To ensure a partial remedy, at least, for this vicious legislation, I stated, in my letter to Earl Grey, that, although Australia was remarkably destitute of navigable rivers, leading into the interior of the continent, its comparatively level surface rendered it peculiarly adapted for the great improvement of the age, that of railways; for the construction of which the indigenous timber of the country had been found remarkably available: for it has been ascertained that, exclusive of the cost of excavations and embankments, a wooden railway, perfectly suited to the circumstances and wants of the country, could be constructed in Australia at a cost of not more than from 500*l.* to 600*l.* per mile. Now, I suggested that a clause should be inserted in the *Rider* of the Privy Council to the Squatting Act, providing that, wherever a railway should be constructed in future, or a line for such a railway fixed on, with the sanction of the Local Legislature, the land for seven miles on each side of the line should be reserved from the operation of that Act. Such a clause would have led to the construction of cheap lines of railway in those parts of the country that are suitable for the purpose; for, as inferior land along such a line of communication is more valuable to the agriculturist than land even of the best quality at a distance, the country along a line of railway would be rapidly settled, while the rise in the price of the adjoining land would, under judicious management, pay for its construction. But who could be so insane as to embark in such an undertaking, if a whole legion of squatters, through whose stations he had to pass — each as large, perhaps, as an English county — had fixity of tenure, under renewable leases and rights of pre-emption?

I stated also, in my letter that, although Australia is, generally speaking, remarkably destitute of navigable

rivers and inland navigation, it is not so absolutely ; there being exceptions to this general rule. For, independently of the Murray river, to which I shall have occasion to refer hereafter, the Glenelg river, on the South coast, is available for a considerable distance for inland navigation; and there is also a comparatively large extent of water available for inland navigation, both in lakes and rivers, in Gippsland, at the south-eastern angle of the continent. From Sydney, also, to the Tropic of Capricorn — ten degrees of latitude, or nearly seven hundred English miles — along the East coast, there are not fewer than twelve rivers, all available for steam navigation, and some of them affording such navigation for a considerable distance inland. Now I suggested that a second clause should be inserted in the Privy Council's *Rider* to the Act, exempting all land within seven miles of navigable water from the operation of that Act. An arrangement of this kind would have encouraged and promoted the settlement of an agricultural population in those very localities in which the land is usually best adapted for cultivation, and in which the facilities of steam navigation render the settlement of such a population most desirable. Although I had suggested a reservation of seven miles in both cases, I should have been satisfied with four; for, even in that case, the sting would in great measure have been taken out of the Act, and a benefit of prodigious magnitude secured for the colony.

My letter was referred, as a matter of course, to the Commissioners of Land and Emigration, three gentlemen who have an office in Park Street, Westminster, as a sort of appendage to the Colonial Office in Downing Street, and who know about as much of the real state of matters, in connection with such questions in Australia, as they do about the politics of the moon; and from the *ultimatum* of the Privy Council, founded on their Report, it appears that my suggestion in regard to colonial railways was deemed unworthy of notice by these High Commis-

sioners, and that, instead of adopting the general principle I had recommended of reserving a certain distance, greater or smaller, from all navigable water, — a principle of the easiest application in all cases, and perfectly safe, — the Commissioners, as if for the express purpose of proclaiming their own entire ignorance on the subject, adopted the peculiarly dangerous expedient of legislating for particular cases, with the nature and merits of which they were totally unacquainted.

For example, observing that the Glenelg river was marked with a broad black line upon the map, the Commissioners recommended that, for twenty miles from the mouth of that river, the space of two miles on each side of it should be reserved from the operation of the Squatting Act, for the settlement of an agricultural population. But the Glenelg river has unfortunately no practicable outlet, the navigable water being all inland; and for twenty miles from its mouth the land on either side is a miserable scrub, utterly useless both for man and beast. Again, the Richmond river, in latitude $28\frac{1}{2}^{\circ}$ S., on the East coast, which I had described as having a vast extent of eligible land fit for the settlement of an agricultural population on its banks, attracted the special notice of the Commissioners; who recommended that, for twenty miles from the mouth of that river, the land on either side of it, for two miles back, should be reserved from the operation of the Squatting Act, for the settlement, of course, of an agricultural population. Unfortunately, however, the Richmond river runs parallel to the coast for a considerable distance from its mouth; and, at twenty miles up, it is only five miles from the ocean, while the whole of the intervening country is a mangrove swamp, utterly useless both for man and beast. Thus, in a district in which the resident Commissioner of Crown Lands has given it as his written opinion, that there is a sufficient extent of land of the first quality for cultivation, in one of the finest climates on the face of the earth,

for the settlement of the whole redundant population of Great Britain, all the good land has been handed over to the squatters, to be covered with their leases and rights of pre-emption, while the utterly worthless land has been carefully reserved by an Act of Parliament for the benefit of the industrious and virtuous working classes of the mother-country!

Such is a mere specimen—a single specimen—of the benefits and blessings of Downing Street legislation for the Australian colonies. Under that monstrous and suicidal system, the grievances of the Australian colonists are at this moment at least ten-fold greater than were those of the American colonists of the last century, when they declared their independence in the year 1776. And, if the like causes uniformly produce similar effects, it requires no prophet to predict the speedy independence of the United Provinces of Australia. In such circumstances, political attraction, like that of gravitation, diminishes inversely as the square of the distance: and it is, therefore, a problem worthy of the ablest politicians of the age to estimate its force at the distance of half the circumference of the globe. A lever of fifteen thousand miles in length is a *very* long lever; and, when it rests on the fulcrum of public opinion and the rights of men, the smallest power applied at the farther end of it will move the heaviest weight at its opposite extremity. For several years past, men of intelligence and public spirit, of the middle classes, in Australia, have, to use the language of card-players, been looking hard at their *hands*. They are exceedingly dissatisfied, as they may well be, at the recent *shuffling* of the Government cards, and they see they have been losing sadly at every *trick*; but they know they have still a trump card in their hands, marked “Freedom and Independence;” and I have no hesitation in informing the intelligent reader that, if the present monstrous system of colonial government is not speedily and thoroughly changed, and a system somewhat more in

accordance with the rights of Britons, as well as with the common sense of mankind, established in its stead, they will play that card at all hazards, and win the game.

But if the friends of the colony had good reason to complain of the way in which the land revenue was enormously increased, beyond its proper and legitimate amount, during the first three years of the government of Sir George Gipps, as well as of the way in which the whole available funds of the colony had been drained away from it in the process, they had a still stronger reason to complain of the manner in which this vast amount of accumulated revenue was expended. If the colonists had had a voice in the selection of the emigrants who were to be sent out to them from the mother-country with this fund, as they ought unquestionably to have had from the first, there would in all likelihood have been no reasonable ground of complaint; but as the matter was left entirely to chance, both by Sir Richard Bourke and by Sir George Gipps, the enormous evils that ensued were attributable in great measure to their want of foresight, their inattention, and neglect.

As soon as the business of emigration to New South Wales had become one of importance to mercantile men, from the large expenditure which it implied, certain merchants in Sydney, and certain others in London, discovered simultaneously that they could easily turn it to an advantageous account if they could only get it entirely into their own hands. A hue and cry was accordingly got up against what was called the Government system of emigration; in consequence of which the Bounty system, as it was styled, guaranteeing a certain fixed amount for every emigrant, male or female, of the whole number whom the intending importer had previously obtained authority from the local Government to carry out, was established; and the business was thenceforth almost entirely transferred to the hands of a few unscrupulous

speculators.* These persons, being chiefly domiciled in London, soon found that it would not pay them to send their ships for emigrants to the northern ports of England, to Scotland, or to the North of Ireland; and they accordingly dispatched their *whippers-in* to the South and West of Ireland, where emigrants, often of the most questionable character and qualifications, were engaged by the hundred, and shipped off, at a mere trifle per head, by the London steamboats, from Dublin and Cork. These steamboats usually touch at Plymouth; and there the emigrants were regularly transferred *en masse* to the Australian emigrant ship, which was already waiting for them (with her provisions and water and cabin passengers all on board), in Plymouth Sound, and which, as soon as the Bounty emigrants were taken on board, started off to sea with the first fair wind. By this means, the article, if of an inferior description, was certainly obtained at a comparatively small cost, and the profit of the speculation was consequently all the greater.†

It is scarcely possible to conceive the extent to which the colony was injured in its best and dearest interests by the description of persons that were thus sent out to it in thousands during the government of Sir George Gipps, at the expense of its own funds. Of the 25,330 emigrants, imported at the public expense, from the 1st of January, 1841, to the 30th of June, 1842, upwards of 16,892 were from Ireland, chiefly from the Southern and

* A Sydney merchant, who had obtained an order from the local government for the importation of 500 emigrants on the government Bounty, previous to his going to England, sold his order to one of these firms in London for one pound per head, or 500*l.* altogether.

† Extract from the evidence of Alexander Thomson, Esq., M. C., before a Select Committee of the Legislative Council of New South Wales on Immigration, during the session of 1843:—"We have had a great many emigrants brought to Port Phillip, who are utterly useless; in point of intellect they are inferior to our own Aborigines.—What do they represent themselves as being? Labourers.—Where do they come from? The South of Ireland."

Western counties, while only 8438 were from England and Scotland together. Ireland had, therefore, double her proper proportion of the Bounty emigration to Australia, while the other two kingdoms had only one-half of their due share. And as nine-tenths of the Irish emigrants were Roman Catholics, and many of them of the most virulent class, the system required only to be continued for a few years longer, to realise the fondest aspirations of certain Romish enthusiasts, by transforming the colony from a British Protestant into an Irish Roman Catholic province.*

* In an article on the emigration from the United Kingdom generally, the *Quarterly Review* (although in what number I do not recollect) puts forth the following most inaccurate statement in regard to the emigration of this period :—

“The Australian emigration seems to be furnished entirely by England ; by far the greater part of it from Plymouth, and nearly all the rest from London. The Cape, like Australia, has scarcely any British emigrants except from Plymouth and London. All who embarked from Irish ports went to North America, excepting two, who went to the West Indies. Hence it would appear, that the newer fields of colonization are chiefly occupied by the English ; that the Scotch have nearly an equal share with them in the emigration to the West Indies and other places in the West, exclusive of North America, and that the latter region absorbs all the emigration from Ireland, which is quite in accordance with the relative distribution of capital, skill, and enterprise, in the three divisions of the kingdom.”—*Quarterly Review*.

Now the fact was, that the emigration to Australia from Plymouth was almost exclusively Irish. I have known Bounty emigrant ships arriving in New South Wales from London *by way of Plymouth*, in which the *whole* of the emigrants were Irish, and in which the proportion of Roman Catholics to Protestants was as 17 to 1 ! In short, the inhabitants of the colony at this period had no voice in the management of their own affairs, which were handed over on their behalf to notorious incapacity on the one hand, and to unprincipled cupidity on the other. Hence the beautiful result I have mentioned, so peculiarly gratifying to Archbishop M'Hale and the advocates of Romish ascendancy both at home and abroad ! For my own part, I should be the last person to prevent Ireland from

I happened to return to the colony, from my fifth voyage to Europe, by an Emigrant ship from London and Plymouth, early in the year 1841; and as I had joined the ship at Plymouth, by way of Liverpool and Dublin, I was enabled to see, with my own eyes, how the whole process was conducted; for the steamboat in which I crossed over from Dublin to Plymouth, was absolutely filled with my future fellow-passengers to Australia. They had been collected, I ascertained, by a very summary process, from the Southern and Western counties of Ireland, by the regular whipper-in of a London house, which had either purchased the order of the Sydney merchant, or obtained authority from the Local Executive of New South Wales, through their correspondent in Sydney, to export so many hundred Bounty emigrants to that colony, and who found they could ship their article in this way at the smallest possible expense. It was no preconceived scheme of these people, as was then frequently alleged by zealous Protestants in the colony, to send out Irish rather than British emigrants, or Roman Catholics rather than Protestants. They merely *went for their goods to the cheapest market, in order to sell them afterwards in the dearest*; and, without blaming them in the least, I only maintain that it argued monstrous incapacity, and something amounting almost to a breach of trust, on the part of the Local Government, to allow the interests of the colony to be compro-

obtaining her due proportion of whatever national funds may at any time be available for the promotion of emigration from the United Kingdom; but to give her a monopoly of these funds, as she virtually had at this period, is, I conceive, for reasons which it is unnecessary to enumerate, ruinous to the best interests of the colonies. Besides, the injustice to the colonists was extreme; for at least nine-tenths of the emigration fund, arising from the sale of land in the Australian colonies, had been contributed by British Protestants; and to employ these funds in deluging the colonies with Irish Roman Catholics was a serious wrong to the Protestant colonists of Australia.

mitted and sacrificed to promote so enormous a speculation.

On my arrival in the colony on this occasion, I published a pamphlet, addressed to the Protestant landholders of New South Wales, entitled *The Question of Questions; or, Is this Colony to be transformed into a Province of the Popedom?* in which I detailed the experience I had gained during my voyage to England on the subject of Irish Roman Catholic emigration, and pointed out the probable consequences, both moral and social, of our evident and rapid movement as a community towards Rome. This pamphlet naturally produced a strong sensation among the Protestant inhabitants of the colony at the time, but any action on the subject fortunately proved unnecessary; for Divine Providence had in the meantime unexpectedly interfered for our deliverance from the threatened calamity in another way. In short, the bubble which Sir George Gipps had been blowing for years had burst at length, and emigration ceased altogether for a time, as the Treasury was exhausted.

The earlier portion of the administration of Sir George Gipps was rendered memorable from the settlement of New Zealand as a dependency of New South Wales. On my way to England on the occasion to which I have just referred, I spent a short time in that island; and after carefully observing the state of affairs in it, I published a pamphlet on my arrival in London, entitled *New Zealand in 1839*; in which I strongly recommended to Her Majesty's Government the propriety of taking immediate possession of that whole group of islands as a dependency of Great Britain, showing that they had been considered as included in the original charter of New South Wales, by the earlier Governors of that colony, some of whom had even commissioned magistrates to act in New Zealand. The Colonial Office had but little information on the subject at the time, and my pamphlet proved exceedingly opportune. The settlement of the island as a

dependency of New South Wales was authorised in the first instance; and Captain Hobson, R.N., the first Governor, was sent out originally as a sort of British Consul, with instructions to acquire lands for the Crown on the best terms he could from the natives, but with authority to act upon the recommendation I had given, if he should deem such a course expedient and necessary. Captain Hobson adopted that course accordingly, by taking possession of the whole group for Her Majesty the Queen: and it was fortunate for his country, and for the best interests of humanity, that he did; for if he had delayed doing so a single week longer, the Middle, or largest, island of the group would have been a colony, and in all probability a convict colony, of France. Had the other suggestions of my pamphlet been adopted, the subsequent disastrous war with the formidable New Zealand chief, Heki, would have been prevented, and the land question, which afterwards occasioned an infinity of heartburnings and a vast amount of ruin to individuals, would have been definitively settled within a comparatively short time and with the utmost facility. But Downing Street—like Solomon's *fool*—is always too *wise in its own conceit* to avail itself of any amount of colonial experience; and the fatal results, as exhibited at this moment at the Cape of Good Hope, are sure to be realised, in due time, in individual disappointment and ruin, if not in national defeat and disaster.

As soon as it was noised abroad in the colony that there was a movement in England for the colonisation of New Zealand, the rage for speculation, which was then rampant in New South Wales, and could not be restrained even by the surges of the Pacific, extended itself to that group of islands; and numerous long-headed Australian colonists, either in their own persons or by approved agents, entered into treaties with the native chiefs for the purchase of immense tracts of land in their islands, in order to steal a march upon Her Majesty's Government.

It was in anticipation of something of this kind, which indeed had already commenced at the period of my visit, that I had been induced to urge upon Government the propriety of taking immediate possession of the whole group, and of asserting a right of pre-emption, on the part of the Crown, to all the lands held by the Aborigines. For, however unreasonable this may appear to certain would-be philanthropists in England, and how much soever it may be decried in certain interested and suspicious quarters as an unwarrantable interference with the natural rights of the Aborigines, there is no other way in which the natives of uncivilised countries can be protected from the artifice and cupidity of Europeans, or in which justice can be done even to European colonists against one another.

The claims of the numerous purchasers of land from the natives of New Zealand came before the late Nominee Legislature of New South Wales, which had been authorised to make the requisite arrangements for the disposal of land in the islands, in the year 1840; and among others the claim of W. C. Wentworth, Esq., now one of the Representatives of the City of Sydney in the present Legislative Council. Not satisfied, it seems, with being one of the largest speculators in land and stock in New South Wales, that gentleman had fixed his eye on a principality in New Zealand; and had duly purchased, from the mere handful of natives who then inhabited the Middle Island, the whole, or nearly the whole, of that island—a tract of country comprising twenty millions of acres! The bargain, or rather treaty, for the cession of this territory had been duly concluded between the high contracting parties—Mr. Wentworth on the one part, and those sovereign and independent chiefs, E Toki, E Waru, E Piti, Rauparaha, Ka Witi, &c., on the other: the deed was drawn up in due form in the English and New Zealand languages; and the parchment was signed, sealed, and delivered, in the presence of approved wit-

nesses, by their High Mightiinesses, the States of the Middle Island; to whom Mr. Wentworth had faithfully paid the stipulated number of English blankets (of the coarsest description), of Birmingham muskets (made to sell), and of kegs of gunpowder, besides a variety of other unsaleable articles from some warehouse in Sydney. Mr. Wentworth argued his claim in person before the Council, at great length and with great ability; enlarging upon the rights of sovereign and independent nations, and especially of the chiefs aforesaid, with whom he had had the distinguished honour of making the aforesaid treaty; proudly displaying his parchment with the signs manual and seals of the sovereign and independent chiefs aforesaid; and concluding by asking nothing from the *generosity* or *charity*, but demanding everything from the *justice*, of England.

Sir George Gipps deserves the highest credit for the ability with which he exposed and set aside this peculiarly barefaced and impudent claim — setting forth at great length the practice of all European nations since the discovery of America, as well as of the United States of that country, in regard to the purchase and sale of the lands of the Aborigines; showing that the right of pre-emption was uniformly asserted by the colonising power; exhibiting the injury and ruin that would inevitably result from a different practice; pleading the principle which his own immediate predecessor had established, and the Imperial Government had recognised, in the case of Port Phillip; and concluding by literally overwhelming Mr. Wentworth and his notorious attempt to appropriate, for his own private benefit, the country which might otherwise become the happy home of myriads of his fellow countrymen from the United Kingdom, with a torrent of sarcasm which it is no marvel that that gentleman has never been able either to forgive or to forget.* Mr. Wentworth was

* The following is an Extract from the speech of Sir George Gipps in the Legislative Council, on Thursday, 9th July, 1840, on

afterwards the leader of the Opposition in the partially Representative Legislature which was subsequently established

the second reading of the Bill for appointing Commissioners to inquire into the claims to grants of land in New Zealand.

“ I have not heard one reasonable and disinterested person object to the main purpose of this Bill. Of all the witnesses examined before the Committee of the House of Lords in 1838, no one was so wild as to say that all purchases from the natives of New Zealand were to be acknowledged : no one pretended, because the Narraganset Indians sold Connecticut, as we have been told they did, for a certain number of old coats and pairs of breeches, or because they sold Rhode Island (as I find they did) for a pair of spectacles, that therefore Her Majesty is bound to acknowledge as valid, purchases of a similar nature in New Zealand. The witnesses whom I have alluded to all considered the New Zealanders as minors or as wards of Chancery, incapable of managing their own affairs ; and therefore entitled to the same protection as the law of England affords to persons under similar or analogous circumstances. To set aside a bargain on the ground of fraud, or of the incapacity of one of the parties to understand the nature of it, or his legal inability to execute it, is a proceeding certainly not unknown to the law of England : nor is it in any way contrary to the spirit of equity ; the injustice would be in confirming any such bargain ; there would indeed be no excuse for Her Majesty’s advisers, if, by the exercise of her prerogative, she were to confirm lands to persons who pretend to have purchased them at the rate of four hundred acres for a penny ; for that is, as near as I can calculate it, the price paid, by Mr. Wentworth and his associates, for their twenty millions of acres in the Middle Island.

“ A great deal was said by this gentleman, in the course of his address to the Council, of corruption and jobbery, as well as of the love which men in office have for patronage. But, gentlemen, talk of corruption ! talk of jobbery ! why if all the corruption which has defiled England since the expulsion of the Stuarts were gathered into one heap, it would not make such a sum as this ; — if all the jobs which have been done since the days of Sir Robert Walpole, were collected into one job, they would not make so big a job as the one which Mr. Wentworth asks me to lend a hand in perpetrating ; — the job, that is to say, of making to him a grant of twenty millions of acres, at the rate of one hundred acres for a farthing ! The Land Company of New South Wales has been said to be a

in the colony, during the succeeding portion of the administration of Sir George Gipps; and as I deemed it my

job: one million of acres at eighteen pence an acre has been thought to be a pretty good job; but it absolutely vanishes into nothing by the side of Mr. Wentworth's job.

"In the course of this gentleman's argument, he quoted largely from Vattel and the Law of Nations, to prove the right of independent people to sell their lands: and he piteously complained of the grievous injustice which we should do to the New Zealanders, if we were to deny them the same right; and the Council may recollect that when I reminded him that he was here to maintain his own rights, and not those of the New Zealanders, he replied, not inaptly, that, as his was a derivative right, it was necessary for him to show that it had previously existed in the persons from whom he derived it; it was, in fact, necessary for him to show that the right existed in the nine savages, who were lately in Sydney, to sell the Middle Island, in order to show his own right to purchase it from them at the rate of four hundred acres for a penny!!

"Lastly, gentlemen, it has been said, that the principles on which this Bill is founded are derived from the times of Cortez and Pizarro; times, when not only the right of uncivilised nations, but the rights also of humanity, were disregarded. To this I answer, that whatever may be the changes (and thank Heaven they are many) which the progress of religion and enlightenment have produced amongst us, they are all in favour of the savage, and not against him. It would be indeed the very height of hypocrisy in Her Majesty's Government to abstain, or pretend to abstain, for religion's sake, from despoiling these poor savages of their lands, and yet to allow them to be despoiled by individuals being subjects of Her Majesty. It is in the spirit of that enlightenment which characterises the present age, that the British Government is now about to interfere in the affairs of New Zealand. That it interferes against its will, and only under the force of circumstances, is evident from Lord Normanby's despatch; the objects for which we go to New Zealand are clearly set forth in it, and amongst the foremost is the noble one of rescuing a most interesting race of men from that fate which contact with the nations of Christendom has hitherto invariably and unhappily brought upon the uncivilised tribes of the earth.

"One of the gentlemen who appeared before you did not scruple to avow at this table, and before this Council, that he can imagine no motive Her Majesty's Ministers can have in desiring the acqui-

duty at the time to identify myself generally with that Opposition as a member of the Colonial Legislature, I ascribed, in great simplicity, the part that was then taken in it by Mr. Wentworth to the purest patriotism. From the subsequent political tergiversation, however, of that gentleman, and especially from his turning his back upon himself as well as upon the people who had previously trusted and supported him, I have learned to ascribe it rather to his own disappointed ambition and thwarted cupidity.

Previous to the administration of Sir Thomas Brisbane, the Governors of New South Wales had been subject to no control but that of the Secretary of State in England. The Select Committee of the House of Commons, which sat on the affairs of the colony in 1812, had indeed recommended that the Governor should be assisted by a Council; but the recommendation had not been approved of by the Secretary of State, and it is amusing to observe how old Governor Macquarie congratulates himself upon the fact'

"I feel great satisfaction," he observes, in a letter to
sition of New Zealand, but the increase of their own patronage. The same gentleman is very probably also unable to imagine any other reason for the exercise of Her Majesty's prerogative than the oppression of her subjects. These, gentlemen, may be Mr. Wentworth's opinions: I will not insult you by supposing that they are yours. You, I hope, still believe that there is such a thing as public virtue; and that integrity is not utterly banished from the bosoms of men in office. To your hands, therefore, I commit this Bill. You will, I am sure, deal with it according to your consciences, and with that independence which you ought to exercise; having a due regard for the honour of the Crown and interests of the subject: whilst for myself, in respect to this occupation of New Zealand by Her Majesty, I may, I trust, be permitted to exclaim, as did the standard-bearer of the Tenth Legion, when Cæsar first took possession of Great Britain— '*Et ego certe officium meum, Reipublicæ, atque Imperatori præstitero;*' fearless alike of what people may say or think of me, I will perform my duty to the queen and the public."

Earl Bathurst, of date June 28, 1813, "at the determination of His Majesty's Government in not acceding to the recommendation of the Select Committee of the House of Commons, in regard to the Governor of this colony being assisted by a Council. *I indulge a fond hope that this measure will never be resorted to in this colony.*"

Notwithstanding this protest, however, a Legislative Council, or rather an apology for one, was instituted during the administration of Sir Thomas Brisbane; to consist of the Governor, the Lieutenant-Governor or Commander of the Forces, the Chief Justice, the Arch-deacon, and the Attorney-General. During the government of Sir Ralph Darling this council was somewhat extended, and consisted thenceforth of fifteen members, including the Governor and seven officers of the local government, together with seven other members, selected, from amongst the respectable inhabitants of the colony, *exclusively by the Crown*. Now, antecedently to all such considerations as the extent and population of the colony, the amount of its revenue, and the desirableness of having its affairs managed by able and efficient hands, it was morally impossible that a legislative body, *constituted in this manner*, could ever enjoy the confidence of a large and rapidly increasing commercial and agricultural community, however intelligent and well-intentioned its members might individually be. It was accordingly universally admitted, that the Nominee Legislative Council possessed in no degree whatever the confidence of the community. In such circumstances, the very existence of such a body could not fail to be a subject of serious grievance, and a source of perpetual dissatisfaction on the part of no inconsiderable portion of that community, in an age especially of liberal opinions and popular institutions.

At length, in the year 1842, an Act, commonly called the *Constitutional Act*, was passed by the Imperial Parliament, at the instance of Lord Stanley, who was then Secretary of State for the Colonies, for the better govern-

ment of New South Wales. By that Act a Legislature of one House was constituted, to consist of thirty-six members; of whom six were to be Government officers, and other six Crown nominees; the remaining twenty-four to be elected by the people, viz. eighteen for New South Wales Proper, and six for Port Phillip. The franchise was a twenty pound rental or a freehold of two hundred pounds in value; and the qualification for elective members was property to the amount of two thousand pounds, or of one hundred pounds of yearly value.

As a General Election and a partially Representative Legislature were *new things under the sun* in Australia, and as the crisis at which the first election took place was a peculiarly trying one for the colony, the interest excited in all quarters was intense, and the result was by no means unsatisfactory. Indeed, for general ability; for extent and variety of information, available for the business of legislation; for manly eloquence; for genuine patriotism; and for energetic and dignified action, I question whether the first Legislative Council in New South Wales, under the constitution of 1842, has ever been surpassed by any legislature out of England in the British Empire. Besides Mr. Wentworth, a native of the colony, of commanding talents, although of somewhat questionable principles, there were in that Council Robert Lowe, Esq. *, a barrister of supereminent ability, and of brilliant oratorical powers; the late Richard Windeyer, Esq., also a barrister of superior abilities and the Joseph Hume of the Council; and Charles Cowper, Esq., also a native of the colony, with business talents of a high order, and of indefatigable industry. These men would of themselves have been sufficient to have given character and standing to any popular assembly; and, besides these, there were others of respectable talents, although of inferior name. In short, the great superiority of the first Legislative

* Now M.P. for Kidderminster.

Council of New South Wales to those that have hitherto succeeded it, is a remarkable fact in the history of the colony. On making the comparison, the colonists may well exclaim :

“ Dull Mediocrity brings up the rear.”

I had the honour to be elected one of the Representative Members of the first Legislative Council, under the constitution of 1842, for the District of Port Phillip. The somewhat extraordinary circumstance that had rendered it almost a matter of necessity for me to avail myself of the opportunity which was unexpectedly offered me of occupying so unusual a position for a minister of religion in the British Empire—excepting always the Bench of Bishops—I shall have occasion to advert to in the sequel. Suffice it to say, for the present, that the office was not of my own seeking. At the same time, in accepting it, I had certain objects in view, of transcendant importance to the welfare and advancement of the colony, which could not be promoted so effectually, if at all indeed, in any other way. Some of these will appear in the sequel, from the measures with which I was more immediately identified; but the principal were, 1st, To put a stop, if possible, to the enormous preponderance of Irish Roman Catholic immigration, which, I conceived, was ruining the country in its best and dearest interests; and 2nd, To secure for the colony a General System of education, suited to its circumstances and adequate to its wants.

In regard to precedents for the course I had thus taken, which naturally became a subject of discussion among colonial politicians at the time, the position of the Right Rev. Dr. Broughton, Protestant bishop of New South Wales, as a nominee member both of the Legislative and Executive Councils of the colony up to the year 1843, precluded all objection on the part of the particular communion to which he belonged; and in regard to other

denominations, it was urged that the celebrated Dr. Owen was a member of the House of Commons for the University of Oxford during the Commonwealth; that the Rev. Alexander Shields had been nominated, by the Board of Direction in Edinburgh, a Member of Council for the government of the unfortunate Scotch colony at the Isthmus of Darien; that the Rev. Dr. Witherspoon, a minister of the Church of Scotland, was only six years from that country when he was chosen one of the members of the first American Congress for the province of New Jersey, and signed the famous Declaration of Independence in the year 1776; and that the Rev. Dr. Timothy Dwight, afterwards president of Yale College, was twice elected a member of the Legislature of the State of Massachusetts, to which he belonged.

But if any further apology were deemed necessary for the course I pursued on the occasion in question, I would remind the reader of the saying of the celebrated Dr. Arnold of Rugby, that "the desire of taking a part in the concerns of government is the highest desire of a well-regulated mind." And if this is the case even in the old communities of Europe, it is much more so in a state of things in which the very foundations of society remain to be laid. There was no office to which I could aspire, as an individual, under the Colonial Government; there was no personal advantage, in the way of pecuniary emolument, which I could derive from such a position: but the influence, either for good or for evil, which it gave, was extensive and commanding, as it enabled those who could avail themselves of the opportunities it afforded to put the whole machine of society on the right track, and to give it the right direction for all future time.

As my opinions on the subject of Irish Roman Catholic immigration were well known in Port Phillip, and were not likely to be well received by the Romish priesthood of that district, in which the Irish Bounty emigrants from *Plymouth* were very numerous at the time, my

nomination for the District proved the signal for the first attempt to establish a sort of Romish ascendancy in the colony, of the nature and result of which it may not be uninteresting to the reader to detail the particulars. The town of Melbourne, the capital of the District of Port Phillip, was allowed one Representative Member under the Constitutional Act, and the rest of the district five. For four or five months before the election, and indeed till the eleventh hour, the only candidate for Melbourne was Edward Curr, Esq., a gentleman who had accumulated a considerable fortune in the capacity of Manager of the Van Dieman's Land Agricultural Company*, and had settled with his family at Port Phillip shortly after the original formation of the settlement. He was a Roman Catholic, from the North of England; but being a man of liberal principles, who took an interest in the politics of the district, he was generally acceptable, and was expected to be returned unopposed. Not satisfied, however, with this prominent and influential position, Mr. Curr had, under the instigation of the Romish priesthood of the place, used the influence he supposed he possessed in the community to denounce me publicly as an unfit and improper person to represent the District; for which I had been invited to become a candidate by a considerable number of the electors, a large proportion of whom were from Scotland. In support of his allegations, Mr. Curr appealed to my pamphlet, *The Question of Questions*, in which I had committed the unpardonable offence of protesting pretty strongly against the enormous preponderance of Irish Roman Catholic immigration. At

* It is a singular and somewhat inexplicable fact that, although Public Companies of all kinds almost uniformly fail in the colonies, their Managers very seldom do so. These gentlemen seem to participate in the blessing of Jacob, when in the service of Laban: every thing goes well with them, however ill it may go with the Company. I mention the circumstance merely as an interesting and suggestive fact in the natural history of colonisation.

a public meeting, at which I had been invited to address the electors in the Town Hall of Melbourne, Mr. Curr and certain of his friends, together with a goodly number of the regular *Tipperary boys*, the Bounty emigrants of former years, had assembled early, and taken possession of the principal places in the Hall, to put me down; but I succeeded in obtaining a hearing at length, and addressed the meeting with evident success, on the interests and wants and prospects of the District, for upwards of two hours; concluding with the following anecdote, which was remarkably well received, even by the *Tipperary boys*, in reference to the antagonistic efforts of Mr. Curr.

“In some place where the people called Quakers were in considerable numbers, and where it was customary, for any member of that body who wanted a wife, to make application to the Friends, who selected a fit and proper person for him, a Quaker who had made the usual application in such circumstances, had a person selected for him as his wife with whose personal appearance he was by no means pleased. Resigning himself to his fate, however, he thus accosted his future partner: ‘Martha, thou art not very handsome; but as the Friends have sent thee, I must take thee: so sit thee down and spin.’” Then, turning to Mr. Curr, whom I had previously treated with the utmost courtesy, I observed, that, “although I might not be very handsome according to his ideas of political comeliness, yet, as it was evident that the Friends had determined to send me to the Legislative Council, I thought it would be the wisest policy for him to make the best he could of his bad bargain, and to sit him down and spin.”

Mr. Curr, however, was blinded by his bigotry to the popular movement, and was so far left to himself in the matter, as to publish a sort of manifesto in the public papers, informing the electors that if they chose me for the District they should not have him to sit for the Town.

This, however, was more than certain of the Friends could stomach, and they accordingly determined forthwith to oust Mr. Curr, or rather to take him at his word. I was apprised of the circumstance only on the Thursday evening before the nomination, which was appointed to take place on the following Tuesday ; for on that evening one of the aldermen of the town, who had just been settling the preliminaries, requested me to accompany him to the residence of the Mayor, a respectable Scotch brewer from Edinburgh, to endeavour to persuade him to offer himself as a candidate for the town of Melbourne, in opposition to Mr. Curr. We represented to the Mayor, to whom the subject had not been mentioned previously in any way, and who was naturally somewhat startled at the proposal, that the question had now become one of Romish ascendancy ; which Mr. Curr and his friends evidently wished to establish not only in Melbourne, but throughout the District : and that, in such circumstances, it was his duty, as the person whom his fellow citizens had placed in the highest office in their Municipal Council, to stand forward on their behalf by offering to represent them also in the General Legislature. The Mayor objected that he was not accustomed either to speak in public or to draw up such public papers as he might be required to furnish in that capacity ; but he consented to waive this objection, on my offering to assist him in either way, if it should be necessary : and it was finally arranged that if a requisition, inviting him to become a candidate for the town, and signed by not fewer than 200 of the electors, should be presented to him by four o'clock of the following day (Friday), he would stand. The requisition was signed by upwards of 250 of the electors by two o'clock on Friday, and was published, to the astonishment and consternation of Mr. Curr and his friends, on the following morning. One part of the Mayor's address on the day of nomination was much noticed at the time. "They say I am a

brewer," he observed, in allusion to the abuse he had been receiving from Mr. Curr's supporters, through the public press : "They say I am a brewer ; and so I am : I do not deny it ; and they will find before this election is over, that we have brewed them some of the bitterest beer they ever drank in their lives." The Mayor was elected by a large majority : and as a specimen of the sort of people who had formed a large proportion of the Bounty emigrants of former years, and who were then under the influence of Mr. Curr, that gentleman told the electors, on the declaration of the poll, that "they owed it to him that the town was not burnt down about their ears." I need scarcely add that Mr. Curr was unsuccessful in his attempt to prevent my election for the District. This result of the first Port Phillip election proved the death blow to Romish ascendancy in that district.

The main struggle of the first Council was for the reduction of the enormous expenditure of the Local Government, which the circumstances of the times had rendered imperatively necessary. Beginning with the Governor himself, Mr. Windeyer brought in a Bill (for this was the only way in which the thing could be effected) to limit the salary of future Governors. On carrying the principle of the bill, Mr. Windeyer moved that the salary of future Governors should be 4000*l.*, instead of 5000*l.* a year, at which it had been fixed by the Secretary of State. On this motion I submitted an amendment, which was seconded by another of the Port Phillip members, that the salary of the future Governor should be 3000*l.* a year, which I thought was quite as much as the office required, or as the colony could afford. The amendment was lost, but the motion was carried ; and I had the honour of being appointed by the Council one of a deputation, along with the Speaker and Mr. Windeyer, to present the Bill to His Excellency, thus virtually telling him that he was getting too much, by a thousand a year, of

the people's money. I need scarcely add that this Bill, to which the Governor, as he told us himself, was precluded by his instructions from giving his assent, was disallowed at home; the opinion in that undoubted source of all political wisdom, the Colonial Office, being that the Governor of the mere handful of people (speaking comparatively) in New South Wales, should have as large a salary as the President of the United States of America!

It is one of the political maxims of Earl Grey, who seems to have been taking his lessons of late from Lord North and his insane associates of the period of the American Revolution, that the salaries of all Governors of colonies should be paid by the mother-country. The object of such a proposal cannot be misunderstood; and the hook which it covers is too evident for even the simplest colonists to catch at the bait. Such an arrangement would make all Governors the mere tools of the Colonial Office; which, indeed, they are too much already. It would give them different interests from those of the people they are sent to govern. It would make their tenure of office dependent exclusively on the will and pleasure of the Secretary of State. So long as the Australian colonists are to have Governors at all, I am quite sure they will be both able and willing to pay for them, as it is only a matter of justice to the people of England that they should. They will never consent to have a *Pauper-Governor*, to be *maintained by the parishes* at home. At the same time, they will insist, as they ought, and as the first Council taught them to do, on their absolute right to fix the amount of their Governor's salary, as well as to effect his removal also, whenever they deem it expedient and necessary, by a vote of their Legislature.

When Hutchinson, the last Royal Governor of the colony of Massachusetts Bay, in America, informed the Legislature of that Province, at the instance of the Earl Grey of his time, that "he no longer required a salary

from them, as the King (George III.) had made provision for his support," the Assembly informed him, by a message in reply, "that the Royal provision for his support, and his own acceptance of it, was an infraction of the rights of the inhabitants recognised by the provincial charter, an insult to the Assembly, and an invasion of the important trust which, from the foundation of the commonwealth, they had ever continued to exercise."* But *there were giants in those days*: we have since unfortunately fallen upon the age of political pygmies; for professed Representatives of the people, in the present Government-packed jury of a Legislative Council in New South Wales, have actually expressed themselves in favour of Earl Grey's proposal!

The withdrawal of a large portion of the ordinary revenue of the colony — to the extent of 81,500*l.* a year — from the control of the Council, was a serious and standing grievance against which the Council had to protest. This reservation was arranged by Act of Parliament under three Schedules, entitled A., B., and C., comprising respectively the salaries of the Governor and judges, the estimated cost of the judicial establishment, and the appropriation of 30,000*l.* per annum for the support of religion. The Local Government, however, whose powers of absorption were somewhat extraordinary, having found the reservations in certain of these Schedules too small, applied to the Council to make good the estimated deficiency. But the Council resolutely refused to vote one farthing in addition to the Schedules, unless every item they contained should be submitted for their revision. The Governor assented in the first instance to this condition, and the Council went to work accordingly upon the Schedules; but as soon as they began to meddle, in the way of reduction, with the salaries of certain officers of Government included in these lists, His Excellency gave them to understand that these salaries were all

* Graham's History of the United States of North America. London, 1836, vol. iv. p. 323.

tabooed, and could not be touched, as they had been fixed in England by the sacred hands of the Secretary of State: and the result was that the Schedules were withdrawn from the Council, while the expenditure had to be compressed, in the best way possible, within the Parliamentary limits. There was not a little skirmishing, indeed, on the point as to what items were to be included within the Schedules; and every artifice was used either to extend or to contract their limits, as it suited the views of the Government party. For example, I contended strongly that the salaries of all chaplains of gaols and hospitals should be borne upon the Parliamentary Schedule, and included in the reservation of 30,000*l.* per annum for the support of religion; but the majority decided that these salaries were not included in the Schedule, and the colony was consequently charged with the additional amounts.

In that part of the Estimates which lay within the entire control of the Council, great reductions were effected, while various unnecessary offices were abolished. In the course of a single evening, a series of amendments which I moved successively upon the Government Estimate, in the items of police magistracies and commissionerships of Crown lands—two notorious sources of Government patronage and Government corruption—led to a saving of 1275*l.* upon the yearly expenditure of the colony; but, the succeeding Council (of which I was not a member till a few months before its dissolution, in consequence of my absence in England) being formed of more pliant materials, these items were subsequently restored to their original amount.

The duties on wines and spirits, from which, unfortunately, a large portion of the public revenue of the colony is still derived, were at this time so exorbitantly high, that extraordinary encouragement was virtually given to smuggling and illicit distillation; both of which were carried on on so large a scale as to occasion extensive demoralisation. The Governor's specific for rooting out

this crying evil was more stringent laws against these unlawful practices; and these were accordingly tried, under the strong protest of a large minority of the Council, for a time; but they failed egregiously of their desired effect, smuggling and illicit distillation being practised more extensively and more openly than ever. One of the singular expedients which Sir George Gipps repeatedly took to render the laws effectual in putting down these unlawful practices, and from which, along with other indications of a similar kind, I infer the obtuseness of his moral sense, was to sanction and encourage the officers of the Excise department to pretend to receive bribes from the unprincipled distillers, and to betray the fact to the Government; that the police might be on the watch, at the proper times and places, to effect seizures. When two cases of this kind had occurred, I placed a notice of motion on the Council paper, denouncing the practice as unworthy of any Government, disreputable and immoral. The motion, although seconded, was not carried, which I scarcely expected it would be; but it enabled me publicly to reprobate the practice, which was thenceforth discontinued. The Governor was at length compelled to coincide with the Council in reducing the duties—a measure in which, I confess, I cordially concurred as the least of two evils.*

* The following were the particulars of the two cases, as detailed in the *Colonial Observer* of the 19th December, 1844.

“The Bribery Cases.”

“A few months ago an inspector of distilleries for the Sydney District was offered, by the proprietor of the distillery over which he was placed, a bribe of £20 per week to wink at certain ‘wicked willainy’ which it was intended to carry on on the premises in the way of cheating the revenue. Mr. Smythe, the gentleman we allude to, immediately waited upon his Excellency the Governor, to report the case, and to receive instructions. He was directed, it seems, to receive the bribe, or rather to pretend to receive it, and, another inspector or other fit and proper person being appointed in the mean time to watch the proceedings, the ‘wicked willainy’

But a Legislature, like that of New South Wales, in which the officers of Government, or rather the heads of

was very soon detected in the very act of perpetration. It so happened, however, that Mr. Smythe was a member of the Society of Friends, and could not take the oath required by the Statute. The case, therefore—the clearest and best for the Government, we are informed, that could possibly have occurred—fell to the ground. Mr. Smythe is now the superintendent of the Female Factory at Parramatta.

“What then is the morale of this entire proceeding as far as the Government is concerned? It cannot be alleged that the Government authorised its officer to take a bribe; for there was no intention of the kind in any quarter, and it is in the criminal intention on the part of the receiver that the guilt of bribery consists. But there was a clear authority given to its officer on the part of the Government to do something equally unwarrantable, equally immoral, equally opposed to all laws, human or divine. There was an authority given to Mr. Smythe to practise deceit and trickery upon Mr. Wicked Willainy; and such authority his Excellency the Governor, as Her Majesty’s Representative, had no right to give *for any purpose whatever*; neither had Mr. Smythe any right to take it. Nay, had his Excellency, in the first instance, *commanded* Mr. S., as a part of his duty as an inspector of distilleries, to pretend to receive bribes from any parties engaged or proposing to engage in illicit distillation, it was the bounden duty of Mr. S., as an honest man, to have refused to obey his Excellency in any such matter—for it was practising deceit, which it is unworthy of any Government, of any man, to do—it was doing evil that good might come, a principle which christian morality reprobates and condemns. In all such matters we are commanded, by an infinitely higher authority than that of any earthly Prince or Governor, to obey God rather than man; and whatever advantages may be supposed likely to result from dispensing with the divine precept in any particular case, as in the instance in question, the loss to society, in other and far higher interests, will be far greater than the expected pecuniary gain. It is written in the records of inspiration—and, if we recollect aright, the passage formed the subject of the sermon preached at Her Majesty’s coronation, and was therefore intended to lay down the law for all her Representatives—*He that ruleth over men must be just, ruling in the fear of God*. And who shall presume to tell us that it was either just or accordant with the fear of God to authorise an inspector of distilleries to pretend to receive a bribe from Mr. Wicked Willainy?

departments, are maintained by Act of Parliament in the enjoyment of their places and emoluments in defiance of

As to Mr. Smythe, his duty in the case was in no respect affected by the *dispensation* or *indulgence* he received from Government House. As one of the people called Quakers, who usually pique themselves on their keener sensibilities on all questions relating to morals, he ought never to have referred the case for instructions in that quarter at all. He ought to have known that it was already adjudicated in a higher court — one which had left no discretionary power in the matter to any human authority. When the bribe was first offered him, Mr. S. ought merely to have refused it in the most prompt and decided manner, and to have told Mr. Wicked Willainy that such an offer would only induce him to double his vigilance in watching over him. We trust, however, that he will prove somewhat better acquainted with those points of christian morality that come into practice in the government of a Female Factory.

“When men in authority assume the right to dispense with the first principles of christian morality, they will always have many to go far beyond them among their obsequious retainers. There has recently been another bribery case — at Parramatta; the chief constable of that district having, it seems, *by permission of his superior officers*, pretended to enter into an agreement with a brewer of the name of Cropper, one of the members of a firm carrying on the business of brewers at Broken Back bridge on the Windsor road, in virtue of which Ryan was to receive 2*l.* a week to wink at the existence and operations of an illicit still within the brewery. There are different versions of the story given by the Chief Constable on the one hand, and by Cropper and his partner on the other — the former maintaining that the proposal to bribe him originated entirely with Cropper, and the latter that it was suggested to Cropper, and his partner, by Ryan himself. We should of course have believed the constable, who, it seems, is a native of the colony, had he acted properly in the matter; but when men deviate so far from the straight line of moral rectitude and propriety as willingly to act the part of a deceiver of others, as Ryan has done in this particular instance, he cannot blame us for receiving his averments, even when he may be speaking the truth, with considerable hesitation. It is of no consequence, however, to the real merits of the case with whom the proposal originated: certain it is, and it is matter of open acknowledgment by the authorities, that a paction

adverse majorities in that Legislature, is a burlesque upon Representative Institutions, and an outrage upon the

was entered into between the high contracting parties to pay a bribe of 2*l.* per week on the one hand, and to receive that bribe on the other. And it is also acknowledged that Ryan actually received these wages of iniquity for six weeks successively, having been paid 12*l.* in all, and two weeks' payment being due when the seizure was made !

“ Now we have no hesitation in characterising the whole affair as discreditable to the Government, and disgraceful to all concerned. And the excuse offered by the Colonial Secretary, that the proceeding was authorised in order to get at the receivers of the illicitly distilled spirits, is no justification whatever of that proceeding. Rather let fifty illicit stills be worked, and a hundred receivers continue to draw off the spirits, if they cannot be put down in a proper way, than let the high character of a Government representing the Majesty of the British Empire be compromised and disgraced in the face of a whole country, by such proceedings as these — by condescending to sanction and authorise trickery and deceit. Infinitely more harm will be done to society by this authoritative lowering of the high standard of British and christian morality than by the prevalence of illicit distillation. The manner in which that crying evil ought to be met by the Government is not that of authorising Government employés to pretend to receive bribes ; for if they are permitted to do so in any particular instance, they will soon learn to take bribes in earnest — without asking permission, and without practising deceit, either upon Mr. Wicked Willainy, or any body else. The only proper course for the Government to pursue in the matter is to annihilate the temptation to engage in illicit distillation by lowering the duties, which are at present so absurdly high as not only to diminish the revenue to an enormous amount, but to hold out an irresistible temptation to the unprincipled and worthless.

“ It was for this reason, as well as for the purpose of obtaining some public testimony to the supreme authority of christian morality in all such matters, that the Rev. Dr. Lang moved in the Legislative Council on Tuesday last ‘ That in the opinion of this House, it is an unwarrantable and demoralising practice, utterly unworthy of any Government professing to be guided by the principles of christian morals, to authorise any of the officers or employés of such Government, to pretend to receive bribes from

common sense of mankind. On question after question of vital importance to the welfare of the colony, the Government was left in small minorities; but the Government officers kept their places notwithstanding, and nothing followed. Nay, the Governor repeatedly set aside the vote of the Council on measures of public policy of the utmost importance, and took his own course in spite of it. For example, a majority of the Council had, after a long debate, voted for the establishment of a General System of education, similar to the one established in Ireland by Lord Stanley; but the Governor refused his concurrence in the vote, and the Denominational System was continued. It was reported at the time that the Governor, having some time before obtained the concurrence of the Right Rev. Dr. Broughton, the Protestant bishop, as a member of the Executive Council, to his famous Squatting Regulations, to which I

persons supposed to be engaged in fraudulent or nefarious practices, with a view to criminate such persons, to substantiate charges against them, or to involve them in deeper criminality.'

"Nobody of course could have expected that such a Resolution would be permitted to pass by the Government. This, however, was by no means necessary. The moral effect of the Resolution was precisely the same as if it had been carried. The Colonial Secretary expressly admitted the correctness of the principle embodied in the Resolution, but endeavoured, very lamely, we think, to back out the Government by referring to the specialities of the two particular cases in consideration—the magnitude of the offence in the one, and the desirableness of getting at the purchasers or receivers of the contraband wares in the other—and concluded by moving the previous question, which, of course, was carried without a division; Mr. Robinson having seconded Dr. L.'s motion, and Mr. Wentworth voting for it in the minority. We hope and trust there will be no necessity for alluding to any such unwarrantable and disreputable proceedings in the same quarter in future."

N.B. The illicit distiller in the first case, when endeavouring to repel the charge, repeatedly characterised it as a piece of "wicked willainy," of which the public, of course, could never suppose him guilty.

have already referred, had, in return for that favour, obliged the bishop by vetoing the vote of the Legislative Council for the establishment of a General System of education.

It would be alike tedious and unprofitable to enumerate the various acts of the first Legislative Council of New South Wales. I shall merely enumerate three of them—all of which were introduced by Mr. Wentworth—as illustrations of the state of things, as well as of the state of feeling, at this period in the colony. The first of the three was the *Lien on Wool Act*, empowering the embarrassed stockholder to give an available mortgage to his creditor on his forthcoming clip of wool. This was unquestionably a measure of great benefit to the colonial flockmasters of the period, many of whom were deeply embarrassed, from the part they had taken in the speculations of the previous years; as it enabled them to give available security on the produce of their flocks, without being obliged to sell them off altogether. But—strangely enough—it was disallowed at home; because the principle it involved, in mortgaging a growing crop, was not in accordance with the laws of England. This, however, was a very absurd reason; for the laws of England, in regard to property of this kind, could never have contemplated such a state of things as has necessarily arisen in New South Wales: and laws must always be viewed in connection with the peculiar circumstances of the country for which they are enacted. The result of this uncalled-for interference from beyond seas was that another Act, of precisely the same kind, was passed during the next session of the Legislative Council; as any Act of the Colonial Legislature is of force in the colony till it has been formally disallowed at home, which it takes a reasonable time to do.

The second of the three measures, which however did not become law, was entitled the *Solvent Debtors' Bill*. The object of this Bill was to render compulsory, in the

case of debtors having considerable property, which would be sacrificed by an immediate sale, an arrangement which the law provides for in the case of insolvents, but which can only be made in other cases with the consent of all parties concerned. But the province of law is totally distinct from that of sympathy or benevolence; and any legislative interference between the creditor and the professedly solvent debtor would be utterly unwarrantable. A Cornish clergyman of the olden time, who observed a strange commotion in his congregation in the midst of his discourse one Sabbath morning, and was told in explanation of it that there had been a wreck on the coast, to which his good people were all on the move, is said to have thus addressed them, while opening the pulpit door for his own exit, "My brethren, let us start fair!" But the wreck had been *declared* in this case; and so must it be in the other, before even the creditors can be permitted to start fair, and arrange either for the due management or for the division of the spoil.

The third of the three measures was the *Usury Bill*; in which it was proposed not only to fix the rate of interest by law on all future loans and mortgages at a comparatively low rate, viz. five per cent., but to give the law a retrospective effect, so as to reduce the interest to that rate on all existing mortgages. It was alleged at the time that all Mr. Wentworth's legislation had a special reference to his own individual benefit, and this measure was loudly appealed to in proof of the fact. Fortunately, however, the Council did not compromise its own character by passing the Bill into law. It would have been a measure of downright repudiation.

Of the more important measures originated by myself in the first Legislative Council, which met for the first time on the 1st of August, 1843, the following were the principal.

1. "Public Prayers at the opening of the Council."
Rev. Dr. Lang to move

“That as it is the bounden duty of the legislature of any Christian country, and accordant with the uniform practice of both Houses of Parliament in the United Kingdom, to commence the business of each day with a solemn recognition of the Divine Majesty, and a humble invocation of the Divine blessing, public prayers to Almighty God be offered up daily at the opening of this council, as soon as the speaker shall have taken the chair.

“That a suitable form of prayer for this purpose be selected or prepared, under the superintendence of a committee of council; and that the said form of prayer, when approved of, be used exclusively on all such occasions.

“That as both the members of this council, and their constituents, belong, respectively, to various religious denominations, all of which are placed, by the law of the land, on a footing of perfect equality in relation to each other, the said committee consist of, at least, one member of each of the denominations to which the members of council respectively belong.

“That a minister of religion, or chaplain, be appointed, annually, by the Council, to officiate on such occasions; and that the minister or chaplain so officiating, discharge this duty in a black gown or white surplice.

“That any minister of religion, of any denomination, residing either in the City or its vicinity, be eligible for this office.”

This motion being fixed for the 10th of August, 1843, the first clause was put by the Speaker, after I had introduced the matter in a speech illustrative of the practice of the mother country, of legislative bodies generally in other countries, and of that of the ancient Greeks and Romans.—It was lost, however, by a majority of nineteen to eleven.

In the following year, however, a motion, with a professedly similar object, but in reality very different in its character, was submitted to the Council, by Mr. Charles Cowper, one of the two members for the county of Cumberland, to the following effect. “Wednesday, 29th May, 1844. — ‘Daily Prayer on opening the Council.’ Mr. Cowper, pursuant to notice, moved, ‘That Public Prayers to Almighty God be offered up daily at the opening of this Council, as soon as the speaker shall have taken the

chair; and that a chaplain, who shall be a clergyman of the Church of England, be appointed by the speaker to perform this duty.' — *Votes and Proceedings of the Legislative Council for 1844.*

On this occasion I proposed to Mr. Cowper and his friends to separate the motion into two parts, the first embodying the general principle, in the recognition of which I should be most happy to concur; and the second appointing a clergyman of the Church of England as chaplain to the Council, which the members of that Communion would then be easily able to effect, and to which I would individually offer no opposition, as they had a decided majority in the Council. But as these gentlemen would not allow a right principle to be recognised and a right practice established, without compromising the great principle of religious equality which had been recognised in the previous legislation of the colony, under Sir Richard Bourke, and without subjecting every other religious denomination to a humiliating sense of inferiority, I had no alternative but to vote with the majority for the previous question, which was carried, virtually against the motion, by fourteen to eight.

2. "Extension of the Elective Franchise and Equalisation of the Representation." A motion which I submitted on this subject, in the year 1843, pointing out the gross injustice of the system in operation under the Constitutional Act of the Imperial Parliament on the one hand, and the Electoral Act of the late Nominee Council on the other, issued eventually in the appointment of a Select Committee on the Franchise and the Representation generally, of which I was chairman, during the session of 1844. The Committee accordingly recommended the extension of the franchise to tenant-farmers and squatters, who were both excluded from that privilege under the existing Acts. In regard to the Representation, the Committee gave it as their opinion that the city of Sydney, which then returned only two members, was entitled,

from its population and property combined, to return six—one for each ward: it recommended, also, that the County of Cumberland, which then returned two, should thenceforth return four; and that the Counties of Camden, Durham, and Northumberland, which then returned one member each, should thenceforth return two. It will appear in the sequel how indifferently these equitable recommendations were carried out by the succeeding Council, when entrusted by Act of Parliament with the new-modelling of the representation of the colony, in the year 1851.

3. “The establishment of a Uniform Postage for the colony at a Two-penny Rate.” My motion to this effect likewise issued in the appointment of a Select Committee, of which I was chairman, to investigate the subject, and to report, in the Session of 1844. The Committee strongly recommended the proposal; and the report was adopted by the Council: but Sir George Gipps, in the exercise of his dictatorial power, on the one hand, and of his spleen on the other, vetoed the measure, which has since, however, become the law of the land under his successor. The only remaining desideratum, in this department of the Public Service, is the establishment of an Ocean (Penny or Two-penny) Postage.

4. “The Separation of Port Phillip from New South Wales, and its erection into a distinct and independent colony.” My motion to this effect, which was heartily concurred in by all the Port Phillip members—six in all—received only one solitary vote from amongst the other thirty members for New South Wales Proper, that of Robert Lowe, Esq., barrister-at-law. As the Port Phillip members, however, were unanimous in favour of the object, I suggested that we should send a joint petition on the subject, through the Governor, to Her Majesty the Queen. The suggestion was cordially concurred in, and I was deputed to draw up the petition, which was signed, presented, and forwarded accordingly; and in nine or ten months

thereafter a favourable answer was received from Lord Stanley (now Earl Derby), who was then Secretary of State for the Colonies, towards the close of the year 1845, to the inexpressible joy of the whole population of Port Phillip. Through the miserable policy of Earl Grey, however, this measure of common justice and urgent necessity was not consummated till the 1st of July, 1851, when Port Phillip was at length proclaimed a separate and distinct colony under the name of Victoria.

5. "Geological Survey of the Colony." Dr. Lang moved, 26th August, 1845, pursuant to notice, that "An address be presented to His Excellency the Governor, praying that His Excellency will be pleased to place, upon the Estimates for 1846, such a sum as to His Excellency shall seem fit, with a view to make suitable provision for the commencement of a Geological Survey of this colony."

"Debate ensued, — Question put, — Council divided : Ayes, 10; Noes, 15." *

The ten who voted for the affirmative on this question were all elective members; of the Noes eight, that is, more than one half, were either paid officials or Crown nominees. Had this dead weight, therefore, this useless lumber, not interfered to clog the wheels of the Legislature on the occasion in question, this important measure would have been carried by a majority of three, and gold might have been discovered in New South Wales before it was found in California. There was an able geologist in the colony at the time, the Rev. W. B. Clarke, a clergyman of the Church of England, who is now actually prospecting on account of the Local Government, in addition to the regular Geological Surveyor; for such an officer was sent for at length by the present Governor, and arrived only a few months before the great discovery was made.

The case of the Bank of Australia, to the fall of which

* "Votes and Proceedings of the Legislative Council of New South Wales for the Session of 1845."

I have already alluded, necessarily excited great interest in the colony during the years 1843, 1844, and 1845, from the various legal proceedings to which it gave rise, and the extensive ruin it had occasioned. The aristocratic directors of that institution had not only divided among themselves the entire funds of the shareholders, but had borrowed nearly 150,000*l.* in addition, from the Bank of Australasia, one of the English banks, to prevent a falling mercantile house, with which both banks were deeply involved, from tumbling to the ground; and the whole of this large amount, which proved insufficient to prevent the catastrophe, was lost to the bank. The shareholders held a public meeting of their body on the subject, and, like the *drab-coloured men of Pennsylvania*, "repudiated" the debt, on the ground that the directors had no authority, under the charter, to borrow money on their behalf. A lawsuit was the consequence, and the decision of two of the three judges was in favour of the shareholders of the fallen bank. But, on the appeal of the Bank of Australasia, the case was heard by the Privy Council, and the decision of the colonial judges reversed, after the matter had remained in suspense for a year or two.

The case of the shareholders of the Bank of Australia, who had consequently to make up this large amount of defalcation, naturally excited much sympathy; and, as many valuable properties throughout the territory had in the meantime fallen into the hands of the bank from the ruin of the respective proprietors, it was proposed that a lottery should be had recourse to for the disposal of these properties on behalf of the shareholders, as it was alleged that they could not be sold advantageously in any other way. A Lottery Bill was accordingly introduced into the Council for the special benefit of the unfortunate shareholders, and all the usual arguments which expediency can muster so effectually in such cases, especially when public sympathy is in favour of the object, were

urged in support of the Bill. It was strongly argued, in opposition to the measure, first, That it was unnecessary, as the properties to be disposed of would bring their value in the usual way of sale; secondly, That it was contrary to the laws of England, in a case in which these laws had merely established a principle of universal application; thirdly, That it was immoral; and, fourthly, That, if passed into law, it would establish a precedent of a very dangerous character for the real welfare of the colony. The measure was carried, however, by a large majority; the only three members who voted against it being the Attorney-General, a Roman Catholic; the late Joseph Phelps Robinson, Esq., a member of the Society of Friends, and myself. It was disallowed, however, in England; but by some manœuvre, of which I am not cognisant, from its having occurred during my own subsequent absence in England, it was actually carried into operation, and the play of *Bish & Co., Redivivus*, with the usual accompaniments, was enacted on the theatre of the colony; a Scotch Highlander, of the name of Mc Donald, who had been for some time in my brother's service, having drawn the first prize, and thereby obtained a large estate, with a suitable quantity of stock of all kinds, for 4*l.* sterling.

This precedent was too good not to be followed; and accordingly Mr. Wentworth came out, immediately thereafter, with a *Scheme* for the disposal of his own extensive but somewhat encumbered properties, by a second Lottery, under the auspices, of course, of the most distinguished names in the country. But the Attorney-General protested so strongly against the measure, that the Bill for its sanction could not be introduced into the Council, and the only memorials that now remain of the fact are the *Prospectus* detailing the interesting scheme at length, and the *soubriquet* of *Old Lottery* which attaches to its author. I must not omit to add, in illustration of the disinterestedness and generosity

with which the thing was conducted, that those who had taken four-pound tickets before the bubble burst, had each one pound returned.

The limits of geographical discovery, both along the coast, and in the interior of Australia, were greatly extended during the government of Sir George Gipps. In the year 1837, Her Majesty's ship, *Beagle*, under the command of Captain Wickham, R. N., now Police Magistrate at Brisbane, Moreton Bay, and afterwards under that of Captain Stokes, proceeded, on an expedition of maritime discovery, to the unexplored portions of the coast of Australia, on which she was stationed for the next four years. In the course of this expedition, various important rivers were discovered on the north and north-west coasts, and found available, in a comparatively high degree, for the purposes of navigation. The most important of these was the Victoria river, in latitude $14^{\circ} 26'$ south, and longitude $129^{\circ} 22'$ east. This river was found to be navigable for large vessels for sixty miles from its mouth, and for ninety more, higher up, by the ship's boats; while the country on its banks appeared to be well adapted for the growth of all tropical productions. On the north coast, the Adelaide river, also available for navigation, was found to empty itself into Van Dieman's Gulf, into which the Alligator rivers of Captain King also fall. But the most important discovery of the *Beagle*, as far at least as the colony of New South Wales and the future prospects of Eastern Australia are concerned, was that of two considerable rivers, the Albert and the Flinders, both of which empty themselves at the head of the Gulf of Carpentaria. The former of these rivers, which, I have already observed, is in all probability the *Maatsuycker* of the Dutch navigator Tasman, which was originally discovered exactly two centuries before, falls into the Gulf in latitude $17^{\circ} 59'$ south and in longitude $139^{\circ} 30'$ east. The Albert is navigable, for vessels of thirteen feet draught, for thirty miles from its mouth, and to within five miles of the fresh

water: the boats, however, traced it fifty miles farther up, and Captain Stokes discovered at its head a splendid tract of valuable agricultural and pastoral country, of unknown extent, which he named the *Plains of Promise*.

In the year 1838, the Clarence river, the largest on the east coast of Australia, was discovered by certain cedar-cutters, when in search of available timber for the Sydney market. It falls into the Pacific in Shoal Bay, in latitude $29^{\circ} 30'$ south. It is about half a mile broad, and is navigable for steam-boats about fifty miles up. It has several important tributaries, some of which are also navigable, and there is a large extent of the finest agricultural land on its banks, with an extensive pastoral country behind. The Clarence river was occupied almost immediately after its discovery, and there is now a rising town, named Grafton, on its banks, to which a steam-boat plies regularly from Sydney.

In the year 1840, a respectable Scotchman, of the name of M'Millan, who had been exploring the southern interior, in search of more eligible pasture for his flocks and herds, had succeeded in descending, through a very difficult country, from the elevated table land of Maneiro Plains, into the low country towards the south-eastern angle of the continent, where he discovered an exceedingly rich tract of agricultural country, of nearly half a million of acres in extent, watered by a system of lakes and rivers, affording a comparatively large extent of inland navigation for the future colonist. To this region Mr. M'Millan gave the name of New South Caledonia; but he had unfortunately not been expeditious enough in making known his discovery, and the Polish traveller, Count Strzelecki, who was then exploring the southern country, having learned the circumstance, and got upon M'Millan's track, claimed the discovery for himself, and secured the credit of it, by naming the country Gippsland, in honour of the Governor.

During the year 1843, there was a strong desire en-

tertaind throughout the colony, that an expedition of discovery should be undertaken to the northward, in order to reach either the Gulf of Carpentaria, or the settlement then recently formed at Port Essington on the north coast: and, as stock of all kinds was exceedingly low-priced at the time, while the country was suffering under extreme depression, it was ascertained that a large contribution in the requisite matériel would have been made for the purpose by the colonists generally, in the hope that some favourable opening in that direction might thereby be discovered for the colony. A Select Committee of the Legislative Council, of which I had the honour to be chosen a member, was accordingly appointed, to take into consideration the practicability and the probable advantages of establishing an "Overland Route to Port Essington;" and Sir Thomas Mitchell, the Surveyor-General, who was examined at great length on the subject, was anxious to proceed on the expedition. The Council accordingly addressed the Governor in favour of the object, pledging itself to vote whatever amount might be deemed necessary for its accomplishment. But His Excellency, who was doubtless somewhat incensed at the Council at the time, from the opposition he had himself experienced from that body in the matter of the Schedules and the salaries, and who probably wished to mortify the Opposition members, with whom the idea had originated, refused to place any amount for the purpose on the Estimates, without the previous sanction of the Secretary of State. For such is the miserable state of thralldom in which the colony is still held under Downing Street domination!

In these circumstances, Dr. Ludwig Leichhardt, a German naturalist of the highest attainments, who had arrived in the colony about a year or two before, and whose highest ambition it was at this period to have accompanied Sir Thomas Mitchell's expedition in the capacity of naturalist, was induced, from the offers of assistance

which he received from various quarters, and especially in the northern section of the colony, where he had resided for some time, to organise a private expedition of his own. Dr. Leichhardt started accordingly for Port Essington, from the settlement of Moreton Bay, in the month of August, 1844; his party consisting of only eight persons, including two black natives, besides himself. Sir Thomas Mitchell's idea had been to start from Fort Bourke on the Darling river, about eight hundred miles west of Sydney; but Dr. Leichhardt preferred keeping along the coast range of mountains till he should reach the latitude of the head of the Gulf of Carpentaria, and then striking across to the westward. He had been gone about two months when a report was brought into Moreton Bay, by the Aborigines, that he and all his party had been murdered by a hostile tribe of black natives, in a particular locality which they described. A second expedition was accordingly fitted out to ascertain the fact; but although that expedition, which was not particularly fortunate in its composition, had traced the party beyond the spot which the black natives had indicated, it returned to the colony, leaving the matter in uncertainty; and as no tidings arrived from Dr. Leichhardt for more than a twelvemonth from the period of his departure, the general impression was that the whole party had either been murdered, or had otherwise perished in the inhospitable wilderness of the remote interior. A beautiful dirge, composed by his friend, the late Robert Lynd, Esq., then Barrack-Master at Sydney, but afterwards at Auckland, in New Zealand, entitled "*Leichhardt's Grave*," had accordingly been set to music, and sung, and wept over for months in succession, by all the sentimental young ladies of the colony; when suddenly, in the month of March, 1846, Dr. Leichhardt re-appeared in Sydney himself, having come direct from Port Essington by sea. He had thus performed the wonderful and unprecedented feat of traversing for upwards of 3000 miles a country

untrodden before by the foot of civilised man — surmounting the most formidable difficulties, enduring the severest privations, and at length disclosing to the world extensive tracts of country, of which the existence was previously unknown, and which are fitted in the highest degree for the subsistence and settlement of European life.

Of the valuable tracts of country discovered by Dr. Leichhardt, the country adjoining the Peak Range, about the twenty-second parallel of latitude, and the Nonda country, to the southward and eastward of the Gulf of Carpentaria, appear to be the best adapted for sheep and cattle; and it is worthy of observation, that the country along the east coast, about the twenty-second parallel of latitude, appears, from the testimony of nautical men, to be the finest part of the whole coast line. Of the eastern rivers, that is, the rivers flowing into the Pacific, which Dr. Leichhardt discovered and crossed, the Mackenzie*, which appears to disembogue about the twenty-first parallel of latitude; and the Burdekin†, of which the unknown embouchure must be considerably to the northward of that parallel, were the principal. As the latter of these rivers came from the north-north-west, Dr. Leichhardt, after ascending its valley for a considerable distance, attempted to strike off to the westward, at a lofty conical mountain, to which he did me the honour to attach my name, in $18^{\circ} 22'$ south latitude, as a westerly course on that parallel would have enabled him to clear the head waters of the Gulf of Carpentaria; but after being out alone, on horseback, for upwards of fifty hours together, in search of water for his party in that direction, he returned to the encampment unsuccessful, and was obliged to pursue a north-westerly course up the valley

* Named after Sir Evan M'Kenzie, of Kilcoy, Bart., who was then a squatter in New South Wales.

† In honour of the late T. Burdekin, Esq., of Sydney, a friend of the expedition.

of the Burdekin, till he reached the head waters of that river. He there found an elevated and somewhat broken country, which having crossed, he discovered and passed down the valley of a river, which he found pursuing a north-westerly course, towards the Gulf of Carpentaria, and which he named after his scientific and poetical friend, the Lynd. This river brought him at length into the broad and deep channel of a still larger river, flowing from the eastward, which he named the Mitchell, in honour of the Surveyor-General of New South Wales. Leaving this river pursuing its north-westerly course to the Gulf, about the fifteenth parallel of latitude, and turning to the south-westward, he gradually headed the Gulf; but unfortunately lost one of his party, Mr. Gilbert, the ornithologist, who was speared by the black natives during a night attack upon his encampment on this part of his route. In pursuing his course to the westward, Dr. Leichhardt crossed the Albert river of Captain Stokes, which he recognised as the Maatsuycker of Tasman, and ascertained that the *Plains of Promise*, of the former of these navigators, extended about a hundred and fifty miles east and west, thereby affording a splendid prospect for the establishment of a colony at the head of the Gulf. At the south-western extremity of the Gulf of Carpentaria, he discovered and crossed a large river, which he called the Roper, after one of his fellow travellers; and he afterwards crossed the South Alligator river of Captain King, which flows into the Gulf of Van Dieman, discovered and named by Tasman, to the westward of the Cobourg Peninsula. At the northern extremity of that peninsula was then situated the now deserted settlement of Victoria, in Port Essington, which the heroic traveller and his party reached at length, after a singularly perilous and eventful journey of fifteen months.

About 1700*l.* was contributed, as a testimony of respect and admiration for Dr. Leichhardt and his party, by an admiring and grateful colony; to which the Local Go-

vernment added 1000*l.* from the Land Fund. But this unexpected accession of wealth only served to stimulate Dr. Leichhardt to further enterprises of perhaps still greater daring : for, within a year after his return to the colony, he started on a second expedition, to cross the continent, as he told me himself, somewhere about the Tropic of Capricorn, to Swan River on the west coast ; but the loss of his cattle, and the sickness of most of his party, — a calamity which overtook him somewhere within the tropic to the north-westward, — compelled him reluctantly to abandon the enterprise for a time, and to return to the colony. Not disheartened, however, by this repulse, he started a second time, towards the close of the year 1847 ; but as no tidings of any kind have yet been heard of him from that period, the general impression is that he and all his party have perished at length in the arid desert of the north-western interior. A party, indeed, has recently been sent out by the Colonial Government, to follow up his track, and, if possible, to ascertain his fate ; but at this distance of time there can be no reasonable hope of his return in life. While, therefore, the universally lamented Sir John Franklin and his gallant associates have, in all likelihood, fallen as martyrs in the cause of science, and perhaps left their mortal remains to be embalmed for ages in the ice of the Arctic regions, these kindred spirits, Dr. Leichhardt and his party, have, in circumstances remarkably different, doubtless met with a somewhat similar fate, leaving their bones to whiten on the sands of the great central desert of Australia. The beautiful lines of Mr. Lynd* are,

* *“Lines addressed to the Party proceeding on the track of Dr. Leichhardt.”*

“ By R. LYND, Esq.

“ YE who prepare with pilgrim feet
Your long and doubtful path to wend,
If—whitening on the waste—ye meet
The relics of my murder’d friend—

therefore, more appropriate now than ever, and the reader will doubtless peruse them with additional interest, when

His bones with rev'rence ye shall bear
To where some mountain streamlet flows ;
There, by its mossy bank, prepare,
The pillow of his long repose.

“ It shall be by a stream, whose tides
Are drunk by birds of ev'ry wing ;
Where ev'ry lovelier flower abides
The earliest wak'ning touch of spring !
O meet that he — (who so carest
All-beauteous Nature's varied charms) —
That he — her martyr'd son — should rest
Within his mother's fondest arms !

“ When ye have made his narrow bed,
And laid the good man's ashes there,
Ye shall kneel down around the dead,
And wait upon your God in prayer.
What though no reverend man be near —
No anthem pour its solemn breath —
No holy walls invest his bier
With all the hallow'd pomp of death !

“ Yet humble minds shall find the grace,
Devoutly bow'd upon the sod,
To call that blessing round the place
Which consecrates the soil to God.
And ye the wilderness shall tell
How — faithful to the hopes of men —
The Mighty Power, he serv'd so well,
Shall breathe upon his bones again !

“ When ye your gracious task have done,
Heap not the rock above his dust !
The Angel of the Lord alone
Shall guard the ashes of the just !
But ye shall heed, with pious care,
The mem'ry of that spot to keep ;
And note the marks that guide me where
My virtuous friend is laid to sleep !

he reflects that the gifted writer, like his own friend, the lamented traveller, is now no more.

In the year 1845, the Right Honourable the Secretary of State having been graciously pleased to permit the people of New South Wales to appropriate a few hundred pounds of their own money for the prosecution of geographical discovery in the interior, and the Legislative Council having accordingly voted 2000*l.* for the outfit of an expedition to discover an overland route to the Gulf of Carpentaria, agreeably to the suggestions of Sir Thomas Mitchell, that officer started on his journey towards Central Australia in the month of November, 1845, and returned to the colony in December of the following year. In this journey Sir Thomas discovered a splendid tract of mountainous and pastoral country between the 147th and 148th degrees of east longitude, extending from the twenty-sixth parallel of latitude to the Tropic of Capricorn, the general elevation being about two thousand feet above the level of the sea. In this tract of country he discovered and crossed the Salvator, the Claude, the Nogoa, and the Belyando rivers, tracing the last of these rivers to $21\frac{1}{2}^{\circ}$ south latitude, and identifying it with the Mackenzie of Leichhardt, who had crossed it much nearer the coast. Returning from this point to his encampment in 25° south, which he conceived he had ascertained to be the dividing line between the interior waters flowing north from those flowing south, he discovered the head of

“ For oh, bethink—in other times
 (And be those happier times at hand),
When science, like the smile of God—
 Comes bright’ning o’er that weary land—
How will her pilgrims hail the power,
 Beneath the drooping myall’s gloom,
To sit at eve, and mourn an hour,
 And pluck a leaf on Leichhardt’s tomb !

“ *Sydney Barracks, July 2nd, 1845.*”

a river considerably to the westward, which, rising in the high land of this parallel of latitude, pursues a north-westerly course for ninety miles, through the finest country he had ever seen in Australia. Sir Thomas traced this river, which he named the Victoria, from latitude 25° south and longitude 147° east, to latitude $24^{\circ} 30'$ south and 145° east; fondly supposing that it would continue its course in the same direction to the Gulf of Carpentaria. Unfortunately, however, this idea was not verified by subsequent exploration; for Mr. Surveyor Kennedy having been afterwards sent out to trace down the Victoria river to its outlet, or termination, found that, a short distance beyond the spot where it was left by Sir Thomas, it altered its course to the south-westward, and, after flowing in that direction for about one hundred and fifty miles, was at length lost in the great desert of the interior in latitude $26\frac{1}{2}^{\circ}$ south, and longitude $142\frac{1}{2}^{\circ}$ east.

In returning to the colony, Sir Thomas Mitchell followed down another river which he had also discovered pursuing a southerly course, and traversing a fine pastoral country for two hundred miles. This river he very judiciously called by its beautiful native name Maranoa; it falls into the Balonne river, which appears to be a tributary of the Darling from the westward.

To connect these important discoveries with those of the same period farther west, so as to give the intelligent reader a general view of the extent of our present information respecting the interior of Australia, I may add that, in the month of August, 1844, Captain Sturt started from Adelaide, in South Australia, on an expedition of discovery into the unknown interior. Crossing over to the Murray river, and then ascending that river to the junction of the Darling, he afterwards skirted along the latter river to Laidley's Ponds of Sir Thomas Mitchell, or Williorara Creek, in latitude 33° south, and 142° east longitude. From thence, proceeding in a north-westerly direction

through a miserable country, he fixed his first depôt in latitude $29\frac{1}{2}^{\circ}$ south, and longitude $141\frac{1}{2}^{\circ}$ east. At this depôt, he was unfortunately detained by an afflictive drought, which had dried up all the water for hundreds of miles around him, for six dreary months; during which the Assistant Surveyor of the expedition died of scurvy. On the breaking up of the drought, Captain Sturt advanced through a succession of inhospitable deserts to $24\frac{1}{2}^{\circ}$ south and 138° east: from which it appears that the great desert of Central Australia extends at least as far north as 24° south latitude, and as far east as the common boundary of New South Wales and South Australia, or the 141st meridian. As Captain Sturt, moreover, discovered a large creek, which he named Cooper's Creek, with tolerably fair pasture land on its banks, in the eastern part of this dreary region, he thinks it probable that that creek is the continuation of the Victoria river of Sir Thomas Mitchell, and that in times of inundation the superfluous water of that river finds its way by Cooper's Creek into Lake Torrens, and from thence into Spencer's Gulf. At all events it is quite evident that the *divisa aquarum* in the interior is considerably farther north than the point at which Sir Thomas Mitchell fixed it, viz. the twenty-fifth parallel of latitude.

In the mean time the great central desert had been probed repeatedly at its southern extremity by J. Eyre, Esq., now one of the lieutenant-governors of New Zealand; who had previously discovered a remarkable salt-water lake, which he named Lake Torrens, to the northward of the settled portion of South Australia, and surrounding it like a horse-shoe. Finding it impossible to penetrate to the northward from South Australia, as he had been instructed to do, in consequence of this impassable barrier obstructing his further progress in every direction from east round by north to west, Mr. Eyre formed and carried into effect the heroic resolution of travelling overland, along the coast, to King George's Sound, in the colony

of Swan river, or Western Australia. This great feat Mr. Eyre successfully accomplished ; pursuing his weary way along the coast, with the desert on the right and the Great Southern Ocean on the left, for twelve hundred miles, and overcoming a series of obstacles of the most formidable character. It is sufficiently characteristic of this cheerless region to add, that along that vast extent of coast, there is not a single river, or even a considerable stream, flowing into the Great Southern Ocean.

I have already observed that the estimated population of the colony, at the close of the administration of Sir Richard Bourke, was 85,267. By the first census taken during the government of Sir George Gipps, in the year 1841, it amounted to 130,856, and by the quinquennial census of 1846, the last year of his government, it amounted to 187,413 ; thereby more than doubling itself during the eight and a half years of his disastrous administration.

Sir George Gipps left the colony, for England, on the 11th of July, 1846. A testimonial was attempted to be got up to His Excellency on the occasion, chiefly at the instance of the Rev. Dr. Gregory, the Roman Catholic Vicar-General, to whom and to whose communion Sir George Gipps had been uncommonly liberal at the public expense. But the thing proved a complete failure, as may be inferred from the following article on the subject, extracted from the *Sydney Herald*, of the 11th of July, 1846 : —

“ SUBSCRIBERS TO THE GIPPS TESTIMONIAL.

“ WITH competent assistance, we have taken the trouble to analyse the list of subscribers to the testimonial to His Excellency Sir George Gipps, as advertised in our paper of yesterday.

“ We have divided the subscribers into four classes : — 1st. *Officials*, including all who receive official emolument from the Government ; 2nd. *Obligees*, or individuals who are under personal obligations to His Excellency ; 3rd. *Insolvents*, or those who have recently passed through the purifying ordeal of the Insolvent Court ; and 4th. *Independents*, or persons who fairly belong to the public proper.

“ The result is that the subscribers and the subscriptions come under these classes in the following proportions : —

Officials	.	.	77	.	£466	7	0
Obligees	.	.	33	.	222	16	0
			<u>110</u>	.	.	.	689 3 0
Insolvents	.	.	14	.	.	.	40 16 0
Independents	.	.	80	.	.	.	270 19 0
Anonymous.	.	.	1	.	.	.	10 0 0
Total .	.	.	<u>205</u>	.	.	.	<u>£1010 18 0</u>

“ It thus appears, that with all the exertions, the strenuous and untiring exertions, of the Very Rev. Dr. Gregory, and with all the influence of the Right Worshipful the Mayor*, exerted through his paid collectors, the utmost that had been accomplished, up to yesterday’s advertisement, was, that out of a population of 50,000 souls in the district of Sydney, and 180,000 in the colony, just *eighty* “free and independent” colonists had put down their names for 270*l.* ! And, even of these, we know that many were induced to do so by the importunity of the testimonial beggars — an importunity that could scarcely be shaken off without personal incivility.”

Sir George Gipps died a few months after his arrival in England, in the year 1847.

* The late Mr. Macdermott.

CHAPTER X.

VIEW OF THE PRESENT STATE OF THE COLONY UNDER THE
GOVERNMENT OF SIR CHARLES AUGUSTUS FITZROY, K.G.H.

“The wicked walk on every side, when the vilest men are exalted.”
Psalms, xii. 8.

I WAS walking with my late brother, Mr. George Lang, on the bank of the Parramatta river one beautiful evening, in the year 1824, when the late Bungary, chief of the Sydney tribe of black natives, was pulling down the river, in a boat which he had received as a present from the Governor, Sir Thomas Brisbane, with his two jins or wives. My brother accosted Bungary on his coming up with us, and the good-natured chief immediately desired his jins to rest upon their oars. During the short conversation that ensued, my brother requested Bungary to show us how Governor Macquarie made a bow. Bungary happened to be dressed at the time in the old uniform of a military officer; and, accordingly, standing up in the stern of his boat, and taking off his cocked hat with the requisite punctilio, he made a low formal bow with all the dignity and grace of a general officer of the old school. My brother then requested him to show us how Governor Brisbane made a bow; to which Bungary very properly replied in broken English, “*'top, 'top; bail* me do it that yet; 'top nudda Gubbana come.*” In short, Bungary could exhibit the peculiar manner of every Governor he

* *Bail* is a particle of negation in the language of the Aborigines.

had seen in the colony ; but he held it a point of honour, and perhaps also a measure of sound policy, never to exhibit the reigning Governor.

Bungary was exactly, although perhaps unconsciously, of the same opinion as those eminent French writers, M. Buret de Longchamps and the Abbé Millot ; the former of whom observes that “ the criticism of contemporary history is too dangerous, and must be left for our successors * ; ” while the latter declares it as his opinion that, “ generally speaking, the history of kings ought not to be written under their eyes.” † To the same general effect, Dr. Fuller, the author of a “ History of the University of Cambridge,” has also observed, rather quaintly, that “ a man may hold a candle to lighten posterity so near as to burn his own fingers therewith.” Nevertheless, notwithstanding this formidable array of authorities, — Australian, French, and English, — which I might certainly plead for breaking off at this point with my series of sketches of the Australian Viceroys, and for postponing for the present a little criticism of contemporary history, “ I will run the hazard,” to use the language of the said worthy Doctor, “ rather than be wanting to any reasonable desire ” on the part of contemporaries.

Sir George Gipps left the colony on the 11th of July, 1846, and was succeeded, on the 2d of August, by Sir Charles Augustus Fitzroy, K.G.H., as the tenth Governor of New South Wales ; the government having been administered during the interval by Lieutenant-General Sir Maurice O’Connell, Commander of the Forces, as Lieutenant-Governor.

His Excellency Sir Charles Augustus Fitzroy, the present Governor of New South Wales, is of the ducal

* “ La critique de l’histoire contemporaine est trop dangereuse, et il faut la laisser faire a nos successeurs.”—Buret de Longchamps.

† “ L’histoire des rois, à parler en général, ne doit pas s’écrire sous leurs yeux.”—Millot.

house of Grafton ; and my reason for directing the reader's attention particularly to the circumstance is, that it appears to have been the only imaginable reason for His Excellency's appointment to his present situation. At least, the colonists of New South Wales have never been able either to discover or to imagine any other. His Excellency had previously been Governor of the island of Antigua, in the West Indies, and, on his arrival in New South Wales, he was accompanied by his lady, the late Lady Mary Fitzroy, a daughter of the Duke of Richmond, and two sons, who had both reached man's estate. Soon after his arrival, Lady Mary, who was much liked, was unfortunately killed by a fall from her curricule ; the horses having taken fright, when the Governor was imprudently acting as charioteer, and galloped off with the vehicle. Whether this calamity made a deep impression upon His Excellency or not, the reader will judge from the sequel. For my own part, I presume to offer no opinion on the subject.

To all appearance, as well as in the general opinion of the colonists, Sir Charles Fitzroy is a man with neither head nor heart —

“ *Sans eyes, sans ears, sans taste, sans everything.*”

By orders from home we pay him 5000*l.* a year, with various valuable perquisites besides, for governing the colony ; but as he is universally understood to be somewhat effete and incapable in matters of government, we have to pay 1500*l.* a year to a colonial secretary, as Governor's keeper ; the latter doing most of the work, without sharing the responsibility. From the distinguished position which His Excellency and his two sons — one of whom is his private secretary — hold in the colony, they are necessarily the observed of all observers ; and their influence on the community, whether for good or for evil, is correspondingly great. As the reader will therefore

was to be assigned; but as this was no part of his client's case, he stuck to the Governor-General, and the result was, that a sum of two hundred pounds, as was reported, was paid to C., to prevent exposure and disgrace!

Lest the reader, however, should suppose that I am actuated individually by unfriendly, hostile, or malignant feelings towards His Excellency Sir Charles Augustus Fitzroy, the present Governor of New South Wales, I beg to append to the preceding remarks on this peculiarly unpleasant subject the following quotation from the leading article of the *Empire*, a highly respectable and liberal daily paper, published in Sydney, of the 7th of May last; that is, nearly three months after I had sailed for England. His Excellency, it appears, had in the interval been visiting one of the settlements in the interior, where, in the usual indiscriminating spirit of colonial subserviency, the auspicious event had been duly celebrated by *fêtes* and shows, in which certain good-natured colonists, who on other occasions had usually affected a high-toned morality, had been taking a part.

“If we wished ill to the personal character of our Queen, and to the stability of her claims on the affections of her subjects, we should promote, not resist, the wicked injuries of the Colonial Office perpetrated in her name, and the appointment of immoral Governors to corrupt the people. A better method of undermining the moral respectability of Her Majesty's name, and the security of the throne, we can hardly imagine, than the modes adopted for the government of most of the colonies of the empire, and the appointments so favourite in Downing Street.

“It does not accord with our notions, that *fêtes* and shows given to a colonial Governor, under the ostentation of loyalty, while the moral character of such a Governor is under a dark cloud of general imputation, are a true mark of respect to the sovereign whose authority he bears, and whose person he represents. If the Queen be not sufficiently careful in the characters of her servants, she cannot possibly escape the censure herself in some quarter or another of being indifferent to the high claims of morality. If she be ignorant, she ought to know, for she has sworn to govern her

vast empire faithfully. If she be told, she ought to be willing to investigate. We have no conception how the cherishing of an immoral servant can fail to reflect some dishonour on the employer. We are aware that the rule of expediency is the one which prevails in Government departments; but even this rule of expediency is enough to establish our point. It is *expedient* that the Queen's moral character—and she is highly moral and virtuous by all report—should not be misrepresented by immorality. The security of her Government demands this; for it is by the affections and confidence of her people alone that Victoria can be a true Queen, and that the times in immediate prospect will leave her sway unbroken.

“We have yet a word on the respect and the duty which the colonists owe to themselves and their children. If even it were to come to this lamentable issue, that the morality of the colony, and the authority of the Crown, were incompatible with each other—which we earnestly hope a wise correction of present wrongs may timely prevent—and we were compelled to choose between them, we should instantly repudiate the authority of the Crown, and cleave to the supreme interests of morality. But in such an alternative, our loyalty would not be perilled, for law and order must even be more certainly maintained, on the basis of unalterable moral principles, than on that of a merely technical sovereignty, at war with those principles. Such being, as we believe, the just view of our obligations, we certainly believe that it is the bounden duty of all colonists who disapprove of the personal characters of any officers of rank, to abstain from giving them countenance under pretext of loyalty. The offices they hold can be respected without danger of mistake; but men not willing to be courted are far more likely to apply such demonstrations as these to the wrong than to the right purpose. At all events, morality has the first claim to consideration,—and we, at least, would do nothing, under the most plausible pretext, which might make our supreme regard to it questionable. Let us not imitate the frivolous multitudes of Paris, who, for the gratification of a show, will bow their neck to an iron yoke, and compliment the destroyer of integrity.”—*Empire*, May 7. 1852.

In one word, if the Colonial Office had been earnestly desirous of accelerating that *consummation* which is now fast approaching, and for many important reasons *devoutly to be wished* by all parties concerned, I mean the

entire Freedom and Independence of the Golden Lands of Australia, it could not have employed a more effectual means of advancing that great object than the appointment of His Excellency Sir Charles Augustus Fitzroy as the Governor of New South Wales. The ancients inform us that when the frogs petitioned Jupiter for a king, he threw them down a log ; but the modern Jupiter of the Colonial Office has far surpassed this memorable feat of his ancient prototype : for, with one powerful fling, worthy of Ajax himself, and reaching to the very ends of the earth, he has thrown the green frogs of Australia * not only a log but a he-goat ! There were nine clean —— ; so much for the tenth !

In the dull monotony of colonial government, under which the people's money is virtually abstracted from them and appropriated without their consent, it is often difficult to fix upon any salient point at which one can pause for a moment and look around him on the passing scene, when sailing rapidly down the stream of time. The Government departments move on from year to year in the old regular and accustomed way ; giving the people, either quarterly or yearly, as it happens, what they must consider a full equivalent for their money in foolscap and figures, while the people contemplate the scene with perfect indifference, as something with which they have nothing to do, except when some fresh attempt upon their rights or interests, either directly from the Colonial Office, or indirectly from the Local Executive, arouses their indignation and calls them forth into the field.

* The tree-frogs of Australia, so called from their climbing up trees, are of a beautiful emerald green colour. I was awakened one morning, in the town of Brisbane, Moreton Bay, in the year 1845, by one of these creatures, which had climbed up to the top of the Venetian blind of the French window of my bed-room, and commenced a full-toned serenade in the ancient style of his tribe, as if he had been one of the performers in the famous comedy of Aristophanes.

The first attempt of this kind, during the government of Sir Charles Augustus Fitzroy, was made on the part of the Colonial Office, to force a return to the transportation system on the colonists of New South Wales. That system had been discontinued by the Home Government, as far as New South Wales was concerned, in the year 1840, with a pledge, on the part of the Imperial authorities, that it should not be resumed, — at least the colonists understood the matter in this light universally. But the policy of the Colonial Office had undergone some change in the meantime, and it was determined, if possible, to effect a resumption of the system throughout the colony. The Colonial Government, of course, lent itself for the accomplishment of this favourite object in every possible way, and every species of influence was exerted in the cause to satisfy the Office. Indeed, till the final settlement of this vexed question, the colony presented the edifying spectacle of the Local Government pulling one way, and the great body of the people pulling another, as if their interests had been contrary and irreconcilable.

A considerable portion of the squatting interest — the proprietors of flocks and herds in the interior — were in favour of the resumption of transportation; and they had a small but influential party, headed by Mr. Wentworth, in the Legislative Council. Many of these squatters were men of standing and education from the mother country, who had merely gone out to the colonies, as adventurers go to the East or West Indies, to make their fortunes and to return to England. Notwithstanding the vast tracts of pastoral country which they held in temporary occupation under their squatting licences, very few of them were possessed of the fee simple of a single acre of ground in the colony. They had, therefore, no permanent tie in it — for very few of them were married — and no peculiar interest in its moral welfare and social advancement. Besides, a considerable number of these gentlemen were men of aristocratic notions and feelings,

who disliked the advances that were evidently making by the middle and industrious classes of the free emigrant population around them, and who felt that their own dignity and self-importance would be much more easily maintained in the country, if there were no middle class in the community at all — nothing, in short, between the master and the slave. And there were also a few of “the old hands,” as they were called, who had been brought up under the convict system, and had acquired a liking for it — especially for the arbitrary power which it virtually confided to the master, and the summary punishments to which it subjected the slave—the fifty lashes, for instance, for insolence, laziness, or disobedience, or for any of the other imaginary or constructive crimes and misdemeanours of the old convict code.

With these influences the Local Government allied itself, and sought thereby to strengthen its hands; but a series of public meetings being held successively throughout the colony, an overwhelming demonstration of public opinion was given against the system, and indignant resolutions were passed, condemnatory of the policy that attempted to force its resumption upon the colony, in the face of so large a majority of the colonial population. The Colonial Office, however, is far off, and proverbially dull of hearing; and as the local Governors are all merely its tools, they generally write such despatches as they know will please. One or two convict ships were accordingly sent out notwithstanding, as a sort of experiment upon the colony; but the people of Port Phillip having strongly protested against the infliction, and expressed their determination not to allow any of the convicts to be landed in their district, the vessels were ordered on to Sydney and Moreton Bay. On the arrival of the first ship,—the *Hashemy*—in Sydney harbour, in the year 1849, a strong feeling of indignation was forthwith manifested throughout the community, and a great public meeting was convened, to take the

subject into consideration, in an open space in sight of the harbour and of Government House; Robert Campbell, Esq., one of the oldest merchants of Sydney, and now one of the members for the city, in the chair. So general was the excitement on the occasion, that, although the weather was very unfavourable on the day of meeting, from three to four thousand people, including a large proportion of the citizens, attended the meeting, the proceedings of which were respectful and decorous throughout. Nay, so alarmed was the Local Government at the magnitude and object of the assemblage, that a ship of war in the harbour was ordered to have her guns brought to bear upon the place of meeting, while the guard at Government House was actually doubled. And yet, in a despatch to Earl Grey, which was written by His Excellency the Governor on the occasion, and which was immediately published by his Lordship in a parliamentary paper, contrary, no doubt, to His Excellency's expectations, the meeting was characterised as an insignificant assemblage of only a few hundred people, and the large number of respectable citizens who had attended it were designated *the mob*. The accidental discovery of this despatch in a copy of the parliamentary paper which had been sent out, in the usual course of business, to a public library in Sydney, during the year 1850, occasioned a prodigious excitement throughout the colony, and especially in the city of Sydney; where another and still larger public meeting was held in the same place, under the presidency of the same chairman, to denounce the despatch as an untruthful and unfounded representation of the facts of the case, and to solicit the immediate recal of His Excellency the Governor.

At an early meeting of the Legislative Council which ensued, John Lamb, Esq., R. N., a merchant in Sydney, and at the time a Nominee member of that body, submitted to the Council a motion to the effect that a humble Address be forwarded to Her Majesty in Council, praying

that the Order in Council which declared New South Wales a colony to which convicts might be sent, might be forthwith revoked. But instead of allowing the question to be put to the vote at once, the Transportation party, headed by Mr. Wentworth, succeeded in carrying an adjournment of the Council for one month, that the colonists might have another opportunity of expressing their opinions and desires on the subject. Another great public meeting, the largest that had ever been held in the colony, was accordingly held in Sydney, to discuss the subject once more and to embody the sentiments and wishes of the community in a petition to the Legislature. Such a petition, embodying the strong and indignant protest of the community against the attempted resumption of transportation to New South Wales, was accordingly adopted by the meeting and passed unanimously; and shortly after the re-assembling of the Council after the adjournment, I was deputed, as one of the two members for the city of Sydney, to present it to the Council. It was the most numerous and respectably signed petition that had ever been presented to the Colonial Legislature; containing the signatures of persons of all classes, grades, and professions throughout the territory, to the number of 36,589, while the counter-petitions, in favour of the resumption of transportation to New South Wales, had received only 525 signatures altogether. There was no mistaking or resisting this demonstration of public opinion; and accordingly, after a long, well-sustained, and memorable debate, in the progress of which the public interest was maintained throughout the territory at the highest pitch of excitement, the transportation members, making a virtue of necessity, retired from the Council Chamber, after the example of the anti-reform peers, on the memorable occasion when the Reform Bill passed the House of Lords, and the Address to the Queen for the revocation of the obnoxious Order in Council was passed unanimously. The Address was accordingly trans-

mitted to Her Majesty through the usual channel, and the Order in Council, declaring New South Wales a place to which convicts might still be sent, was forthwith revoked.

In the mean time the insane policy of Earl Grey, in persisting in the continuance of transportation to Van Dieman's Land, notwithstanding the repeated remonstrances and protests of a large majority of the reputable portion of the inhabitants of the island, had not only awakened a spirit of determined resistance to the continuance of this monstrous infliction in that colony, but had engaged the sympathies of all the neighbouring colonies in favour of its deeply injured and oppressed inhabitants. But, as usually happens with the mixed motives of mankind, there was probably as much of self-love as of sympathy in the feeling that induced the other colonies to lend a helping hand to their southern sister, to endeavour to effect her deliverance from this yoke of bondage. For, it clearly appeared, from the way in which the transportation system had been avowedly managed in Van Dieman's Land, that that island was regarded by Earl Grey merely as a thoroughfare through which successive importations of convicts from the United Kingdom might be passed on to the other colonies of New South Wales, Port Phillip, and South Australia. Nay, it was even announced that it was intended to separate the Moreton Bay district from New South Wales, with a view to transform it into a penal settlement, that another door of hope might be opened for his Lordship, for the introduction of more convicts into New South Wales from the northward! In short, the transported villany of Van Dieman's Land was rapidly spreading itself over the southern colonies on the main land, and the authorities of the insular colony were systematically facilitating the process, while a new point of aggression was preparing to the northward.

In these circumstances, the great Anti-transportation

League of the four Australian colonies was devised in Van Dieman's Land, and warmly responded to and carried out in the other three colonies; the colony of Port Phillip, which had a deep and special interest in the matter, from its proximity to Van Dieman's Land, taking the initiative, by appointing a delegate to proceed forthwith to England to represent the wrongs of the colonists in this most important particular to the Government and the public, and to demand the redress of this intolerable grievance.

No sooner, however, had the able and indefatigable delegate from Port Phillip, John C. King, Esq., sailed for England, than the great event of the present century, the discovery of an extensive gold field in Australia, was announced in New South Wales; and sensible people throughout the colonies could not fail to discern in that event the speedy cessation of transportation to the whole of the eastern colonies of the Australian group, however obstinate and infatuated Earl Grey might continue to be for a season, and on whatever line of policy Her Majesty's Government might determine respecting it. The interest in the subject began accordingly to subside very rapidly throughout this whole group of colonies, the anti-transportation movement having thus been superseded by the universal movement towards the gold fields of Australia. One of the colonial journals of the period announced this fact in a humorous but friendly way, in the form of a parody on the "Death and Burial of Cock Robin," entitled "'The Death and Burial of the League,'" the commencement of which was as follows:—

" Who killed the League?
' I ' said the digger,
' With my gun and trigger;
I killed the League! '"

In the month of March last, however, only a few weeks after I had sailed for England, the colonists universally were suddenly aroused from the state of indifference into which they had fallen for months previously in regard to

the transportation question, by the account of an interview which Mr. King, the delegate from Port Phillip, had had with Earl Grey on the subject, and of which he had forwarded an official report to the colony, corrected by his Lordship's own hand. In that interview, after making certain remarks peculiarly offensive to the colonists generally—as, for instance, that the convicts who were sent out under the present system of management at Pentonville and Portland, “would in many instances be found to bear a very favourable comparison with the free emigrants who went out under the bounty system,”—his Lordship said that “he could hold out no hope that transportation to the originally convict colony of Van Dieman's Land would be abandoned, nor that the Government would not continue to send transported offenders to such other of the Australian colonies as had consented, or might hereafter consent, to receive them.”

These peculiarly offensive announcements naturally produced a prodigious ferment in Sydney and Melbourne, and awakened a feeling of the deepest indignation and exasperation throughout the colonial communities. A great public meeting of the members of the League, as well as of the colonists generally, was accordingly held in Sydney, on Tuesday the 6th of April, and the leading idea that was put forth by almost every speaker on the occasion, and that was loudly and enthusiastically cheered by the meeting, was that of “cutting the painter,” as it was termed by a popular Roman Catholic priest, or proclaiming the entire freedom and independence of the Australian colonies. Now I have no hesitation in expressing it as my belief and conviction, that it has been the obstinacy and infatuation of Earl Grey on this transportation question, conjoined with the wretched policy of his Lordship in his previous misgovernment of the Australian colonies, that has thus implanted this new idea, so congenial to the spirit of British freemen, in the minds of the colonists; from which, I am fully persuaded, it will never

be dislodged. On the contrary, like the leaven which the woman hid in three measures of meal, it will leaven the whole lump of our colonial community, until the birth of a new and great nation, which is destined to extend the illustrious name, the noble language, the equitable laws, and the Protestant religion of Britain over the Southern hemisphere, is at length announced far and wide to the whole civilised world.

And why should the prospect of such a consummation excite either hostility or apprehension in the minds of Britons either at home or abroad? It is the law of nature, and the ordinance of God for the government of this lower world, and for the welfare and advancement of society on earth, that colonial communities, as well as individual men, should be left to manage their own affairs when they reach their majority; and so far from its being at all likely to be any loss to the mother country that this law of nature, this ordinance of God, should be fulfilled, I am fully persuaded that Australia, if free and independent, would be incomparably more valuable to Great Britain, as a mart for her commerce, a field for the growth of raw produce for her manufactures, and an eligible outlet for her redundant population of all grades and classes, than it will ever be as a series of miserable and miserably governed dependencies of Downing Street.*

I have already alluded to the enormous abuse, in regard to the appropriation of the land revenue of the colony, which had taken place with the sanction of authority during the government of Sir George Gipps, previous to the state of collapse which the colony underwent in the years 1842, 1843, and 1844. From the 1st of January, 1841, to the 30th of June, 1842—when immigration at the public expense entirely ceased for a time, in consequence of the

* See this idea wrought out in all its bearings in a work entitled "*Freedom and Independence for the Golden Lands of Australia—the Right of the Colonies, and the Interest of Britain and of the World.*" By the author of this work. Longmans, 1852.

complete exhaustion of the Land Fund—there had been imported, at the expense of the colony, not fewer than 25,330 free immigrants from the United Kingdom. But of these immigrants not fewer than 16,892, or two-thirds of the whole number, were natives of Ireland, chiefly Roman Catholics from the South and West, while only 8438, or one-third, of the whole number were from England and Scotland together. It was not to be supposed that zealous Protestants of any communion could stand tamely by and see such a process as this, the result of Downing Street misgovernment*, in progress, and their adopted country thereby transformed at their own expense into a mere province of the Popedom, without mingled feelings of indignation and alarm. For the progressive developments of the papacy in Australia kept pace with this enormous influx of Irish Roman Catholic immigration: the priest was transformed into a Bishop, and the Bishop into an Archbishop, with a whole bevy of suffragans, and the usual staff of nuns and eremites; while the genuine Irish priest and his “Tipperary boys” were always at hand to disturb or to put down by mere physical force any public meeting the objects of which were at all at variance with the cause of Romish predominance. Nay, the zealots of that system of priestcraft and intolerance were every where predicting that there would speedily be a great change for the better in the colonies, as the country would soon be all their own! In short, “Papal Aggression” had exhibited itself in a really formidable development in Australia, before it was heard of in England. It had fixed itself upon the extremities in the first instance, before it ventured to strike at the heart.

In the year 1845, when the colony was beginning to recover its usual tone, and there was some prospect of the resumption of immigration at the public expense, I

* There was no popular representation of any kind in the colony when this enormity was in progress.

resolved, with the concurrence of certain zealous Protestant friends both in New South Wales and Port Phillip, to proceed to England for the sixth time, to endeavour, if possible, to give an impulse to Protestant emigration from the United Kingdom, so as to prevent our adopted country from being transformed into an Irish Roman Catholic colony. That I might be enabled, however, to point out, from personal observation, the extraordinary capabilities of Australia as a field for British emigration to intending emigrants in the mother country, I made two separate and extensive tours in the northern and southern divisions of the colony respectively; the results of which I embodied in two separate works, which I prepared for the press on my voyage home in the latter part of the year 1846, and which were published accordingly during the following year.*

On my visit on that occasion to the district of Moreton Bay, in the month of November, 1845, I was greatly struck at the healthy and vigorous appearance of a few cotton plants which I found growing, merely as an article of curiosity, however, in the garden of a respectable colonist in the town of Brisbane; for as I had previously seen the plant under cultivation in the Brazils, and had also visited the cotton-growing States of North America, I was enabled, from the knowledge I had thus acquired of its nature and habits, to pursue the proper train of inquiry with a view to ascertain its general adaptation to the soil and climate of a country in

* *“Port Phillip, or the Colony of Victoria. Part I. Exhibiting the history and progress of the settlement from its occupation in 1836, as a dependency of New South Wales. Part II. Exhibiting a view of its present state and prospects as a separate colony; with notices of the Gold Regions.”* 2nd edition, 1852. N.B. Only the first part of this work was published in the first edition, under a somewhat different title.

“Cookslund, in North-Eastern Australia, the future Cotton Field of Great Britain, &c. Constituting at present the Moreton Bay district of New South Wales.” London, 2nd edition, 1852.

which all the other descriptions of field-labour were performed by Europeans, with perfect safety to their health and with perfect facility. The result of these inquiries was my decided conviction that cotton cultivation was well adapted to the soil and climate of that portion of the Australian territory, and that this commodity, of prime necessity for the manufactures of the United Kingdom, could be grown to any conceivable extent at Moreton Bay, and in the country immediately to the northward and southward, by a European population. I ascertained, moreover, that, whereas the cotton plant is an annual in America—being destroyed every winter by the intense frost of that country, and requiring to be reproduced from the seed every spring,—it is a perennial in Australia, while the produce of the second year is superior both in quantity and quality to that of the first. I accordingly submitted specimens of cotton from Moreton Bay, to gentlemen of high standing and experience in the cotton trade, both in Manchester and Glasgow, shortly after my arrival in England, in the year 1847; and I was much gratified to find that the quality was greatly superior to that of the ordinary descriptions of American cotton, being declared to be worth at the time from eleven pence to a shilling a pound, while New Orleans cotton was selling at sixpence.

My principal reason for taking an extraordinary interest, as I confess I did from the first, in this matter, was the conviction I entertained that the cultivation of cotton in Australia was destined to afford a boundless field of profitable employment for the redundant agricultural population of Great Britain and Ireland. It had previously been the grand *desideratum* of the colony to find an article of agricultural produce which would always command a market at a remunerating price to the cultivator; for while grain is rather a precarious crop, in the northern settlements especially, the distance of the colony from Europe would preclude competition in that

article either with the European continent or with America. But cotton, being an article of constant and extensive demand in the mother country, while the competition in its production is necessarily much more limited, the prospect of growing that article at a remunerating price in Australia would not only give confidence to the colonial agriculturist, but would enable the friends of the colony to invite industrious and virtuous families and individuals of that class to emigrate to its territory from the mother country, in any conceivable numbers, without misgiving or hesitation.

But I was also not without the hope that, if, under the peculiarly favourable conditions of soil, climate, and water-carriage for the growth of cotton in Australia, this article of prime necessity for the manufactures of England could be grown by British free labour in that country, of superior quality and at a cheaper rate than it is grown by slave labour in America, a powerful impression might eventually be made on the institution of slavery itself. For, as it is a common saying in America, that "slavery sits on a cotton bale," it would necessarily fall to the ground, if that support could only be withdrawn.

The Emigration Commissioners had been authorised, at the time in question, to send out emigrants to New South Wales to the extent of 100,000*l.* in passage-money, on account of the Colonial Land Fund. These emigrants were to be employed in any description of labour, — whether pastoral, agricultural, or otherwise, — for which they might be hired on their arrival. And as I could have gone on board the emigrant vessels on their arrival at their destination, and hired any number of them, at the usual wages of the colony, to be employed in cotton cultivation at Moreton Bay, it implied no deviation from the purpose for which these emigrants were to be sent out to request permission, as I did accordingly, merely to select a hundred suitable families beforehand, from the neighbourhood of Glasgow, as a portion of the whole

number of Government emigrants, with a view to their proceeding to Moreton Bay, under the superintendence of a person accustomed to the management of a cotton plantation in the United States *, to be employed in the cultivation of cotton in that district, that this experiment of national importance might be fairly tried. For certain gentlemen, connected with the cotton trade in Manchester, had expressed their willingness to provide the necessary funds for the purpose, in the event of such an arrangement being effected. But this very *reasonable* request, considering the vast importance of the subject to the best interests both of the colony and of the mother country, was pettishly refused, on what, from my personal acquaintance with the circumstances of the colony, I know to have been a mere frivolous pretext. But it is one of the principles of the Colonial Office to treat the suggestions of colonists, and colonial experience generally, with profound contempt. In the advertisements for servants for out-door work of any kind, in the interior of New South Wales, it is usually made a condition that the applicant shall have had *colonial experience*; for, in most of the operations of colonial life, an emigrant from the mother country is of comparatively little use for the first year. But, in the far more important concerns of governing a country at the ends of the earth, colonial experience is the last thing that is either valued or cared for. All the knowledge that is requisite for the government of a

* A person of this description, who had been recommended by the President of the Chamber of Commerce at Manchester, had agreed to go out with the emigrants, to teach them the process of cotton cultivation. He was an Englishman, and had been long in the cotton-growing States of America, where he had been engaged for years successively in the management of cotton plantations, both as an overseer and on his own account; but he disliked the system of slavery in that country, and would gladly have gone to Australia, rather than return to the United States, which, however, he was obliged to do ultimately, as he could not stand the climate of England.

colony at the Antipodes, is acquired, it seems, in Downing Street, by intuition !

Determined, however, that this important experiment, in the issue of which it appeared to me that the happiness of future myriads of my fellow-countrymen of the humbler classes in the mother country was involved, should be made in some way during my stay in England, I waited upon Mr. Hawes, who was then Under Secretary of State for the Colonies, first at the Colonial Office, and afterwards at his own house in Brighton (whither I went from London by the Railway, for the express purpose, during the summer of 1848), to ask him whether, in the event of my being enabled to send out a number of suitable families to Moreton Bay, for the purpose I have stated, the Local Government would have it in its power to allow an equivalent in land for the expense incurred in their passage out ; to which Mr. Hawes at once replied that *it would*. The suggestion, indeed, had originally come from himself (in the course of conversation on the subject in the Colonial Office), that the thing might be done in that way. For I had been so chagrined at the result of my previous written applications to Downing Street, that I had determined at the time to trouble the Office on the subject no more, and merely wished to learn from Mr. Hawes whether the Local Government had the requisite power to act for itself in the case.

I accordingly selected a body of emigrants, to the number of 250 altogether, who sailed from London in the month of September, 1848, per the ship *Fortitude*, and arrived at Moreton Bay in January, 1849, *to form the nucleus of a cotton-growing population for Great Britain in Australia, and eventually, as I hoped, to give the death blow to slavery in America*. And as this was too small a number of people to form a community with a sufficient moral force to make the requisite impression on the district, and to ensure the requisite success, I was enabled to send out other two ships, with emigrants of the same

class and character, to the number of about 600 altogether, in the year 1849.

These emigrants were selected on much the same principle as that on which Cromwell selected his first troop: they were all, or nearly all, Christian people, members of evangelical churches, and exemplary in the highest degree in their character and conduct. As an illustration of the principle on which they were selected, I give the following instance. A reputable tradesman, in one of the eastern counties of England, applied to me for permission to join the corps of Christian emigrants proceeding to Moreton Bay. His letter was remarkably well written for a person of his class; and he told me in it that he was one of the candidates for the prizes that were then offered to the working classes for the best Essays on the *Sabbath*: but he was poor, and he had ten or eleven children, and all the money he could raise towards his passage was 30*l*. This amount, I afterwards learned, had been offered him by the parish to which he belonged, to assist him in effecting his emigration; for although he had never received parochial assistance, and was highly esteemed as a reputable and Christian man, it was feared that, with so large a family, he might eventually require such assistance. And I mention the circumstance chiefly to show how vast an amount of good might be done to both countries, if there were only a few provincial agents in the mother country, possessing the confidence of their respective provinces in Australia, and authorised to make such arrangements for the promotion of the emigration of reputable families and individuals, with the parochial authorities in all parts of the mother country; for it is surely reasonable in such cases that the mother country should contribute a portion of the whole amount required, that the colonial fund may reach the farther. In a case like the one I have just mentioned, the parish might make such an arrangement as this with the agents:—“We pay you 30*l*. towards your

Land Fund, to assist in paying the passage out of this poor family, *on condition that land to that amount in value shall eventually be located to them for their settlement in Australia.*" Such an arrangement would be in perfect accordance with the principle at present in operation, in regard to the appropriation of the Land Fund. I need scarcely add, that I allowed this large family to proceed by the *Fortitude*, although the amount paid on their account did not exceed from one-fourth to one-third of the cost of their passage; and there were so many cases of a similar kind, that, when the ship sailed at length, I was under obligations, for her outfit, to the extent of 1300*l.* over and above the whole amount paid by the passengers, besides all my own labour and personal expenses. But if the Local Government had only given us the land, which we had surely a right to expect, in circumstances so peculiar, the whole of this loss would have been eventually covered. It is scarcely necessary to add, however, that it was most ungraciously refused.

An emigration of so unusual a character, and of so considerable an amount, could not fail to make a strong impression upon the district to which it had been directed; especially as the entire population of the Moreton Bay district was at that period comparatively small.* It

* Bourrienne informs us, in his *Life of Napoleon*, that on some occasion, when the Emperor had ridden, with several officers of his staff, to an eminence on the bank of a river, to reconnoitre the fortified position of the enemy on the opposite bank, the latter, observing the knot of officers, and suspecting their object, pointed one of their guns at them and fired. The ball entered the mound at their horses' feet, ploughing up the soil in its progress, but doing them no harm. "Gentlemen," said Buonaparte to his officers, on observing the fortunate mistake which the enemy had made, and turning it to account for future use, "there ought always to be ten or twelve shots fired on such an occasion, as they will then be sure to take effect." So is it also with the moral effect of emigration. A single family or individual going to any colony will be comparatively powerless; but a community of the right description will scarcely

did so accordingly, and well-disposed persons of all classes acknowledged and rejoiced in the extraordinary result. The town of Brisbane, the capital of the Moreton Bay district (which had originally been a penal settlement), had previously been one of the most dissipated and disorderly towns in the colony: it was speedily transformed into — beyond all comparison — the most orderly and exemplary in the country. For as the humbler portion of the emigrants took employment of any kind, and saved up their earnings for the benefit of their families, the dissipated characters in the place, who had previously depended on their occasional labour for their subsistence, were employed no longer, and had, consequently, to betake themselves to the sheep-stations in the interior, while the public-houses had, in not a few instances, to *shut shop*.

The emigrants who had settled in and around the town of Brisbane, which is beautifully situated on the left bank of the Brisbane river, in lat. $27\frac{1}{2}^{\circ}$ S., about fifteen miles from its embouchure in the Bay, had, during the year 1851, erected a remarkably neat and commodious church, of 60 by 40 feet, in a picturesque situation overlooking the beautiful river, which is there a quarter of a mile broad. Consisting, as they did principally, of Presbyterians, Independents, and Baptists, they had called their church simply an Evangelical Church; their pastor being the Rev. Charles Stewart, a highly acceptable evangelical minister, originally from the city of Glasgow, whom I

fail to be powerfully influential. But even a community of this kind will have but a comparatively limited influence, if the place of its settlement is in the midst of a large population of a different character. To produce the full moral effect which it is capable of producing, it must be planted where the population is comparatively small, and where it will therefore be able to give the proper tone to society from the first; for it is much easier to *maintain* a high moral standard in any community than to *establish* such a standard where a lower one has been previously recognised.

had sent out with them per the *Fortitude*. Mr. Stewart happening to be confined to his room from bad health, when I visited the district in November, 1851, I was requested to officiate for him (which I did accordingly) during my stay; and as I looked around on the numerous and respectable congregation of Christian people who were assembled on the occasion, and contrasted the state of things which the place then exhibited with what I had seen and heard of it on my first visit six years before, I could not help feeling peculiarly gratified. Indeed, the consciousness of having been instrumental in planting a Christian community like the one I then saw around me, in such a moral wilderness, was a sufficient compensation for all the hardships and sufferings which I had, in the meantime, had to undergo on its account.

A few families of the emigrants by the three vessels I had sent out to Moreton Bay, had settled in various capacities at Ipswich, a town at the head of the navigation of the Brisbane river, fifty miles higher up*; and a few other families had formed an agricultural settlement on the banks of the river, about half-way. The former were exercising the same salutary influence on the neighbourhood as their fellow-voyagers had been doing at Brisbane, although not so successfully, from their more limited number; and the latter had already erected a place of worship, at their own expense, in a central locality, for occasional service. Through the influence and exertions of the emigrants at Brisbane, a Mechanics' Institution had also been formed, and a highly creditable

* Ipswich is in reality on the Bremer river, a tributary of the Brisbane; the navigation, for steamboats, terminating on the Brisbane at the junction, but continuing fourteen miles higher up on the Bremer, which is also on the line of the great thoroughfare to the westward. There are two steamboats on these rivers, each making a voyage up or down every day; and excellent coal is procurable on both rivers, simply by running an *adit* from the river bank, without a shaft.

building erected, with assistance from the Local Government, for its meetings in that locality; and the emigrants generally had entered so warmly into the spirit of the Anti-Transportation movement, and taken so prominent a part at public meetings that were held on the subject, both at Brisbane and Ipswich, in opposition to the convict-policy of Earl Grey, that they were mainly instrumental in returning two anti-transportation members to the Legislative Council for the principal localities of the district, notwithstanding the utmost efforts of the Local Government and the squatters to prevent them.*

Had the principle I was desirous of getting established, viz., that a sufficient extent of waste land should be conceded to meet the expense of the passage out of such emigrants as those who had proceeded by the three ships to Moreton Bay, there would at this moment have been a cotton-growing population of from ten to twenty thousand persons, of the same class and character, settled in that district; and all the labour required by the squatters for their flocks and herds would have been abundantly

* As illustrations of the moral effect of this emigration on the district of Moreton Bay, I may mention the following additional particulars. There were five public houses in Brisbane, at the time of my late visit, all of which were conducted in an orderly manner, but one. But in Ipswich, with only half the population, there were seventeen. The lessee of the Race-course gate at Brisbane observed, at the last races, that he had done much better—in the way of rum-selling—seven years before, when there was not one-half the population in the place, before these psalm-singing emigrants had arrived! There were usually from sixty to eighty volumes out reading, from the library of the Mechanics' Institution at Brisbane; and it had been acknowledged, by all the judges on circuit, that the jurors, at the trials in that district, were the most intelligent they had met with anywhere in the colony. The emigrants were all men of thoroughly liberal opinions in politics, and it was held somewhat strange and unaccountable in certain quarters that such opinions should be conjoined with a Christian character and deportment; for Christianity is often supposed, especially in the colonies, to be identical with political servility.

supplied. I did get that principle recognised for a few of their number, in rather a circuitous and troublesome way, through the Commissioners of Emigration; but in the case of the large majority it was peremptorily refused.

But while Earl Grey and his myrmidons were refusing any portion of the Land Fund of New South Wales for the passage out of such emigrants as those of my selection per the ship *Fortitude*, how, it may be asked, were they actually expending these funds themselves? Why, in inundating the colony, including the Moreton Bay country, with Irish female emigrants, under the *fanciful* designation of Orphans, who were sent out in whole ship-loads at the expense of our Land Fund, *for the express purpose of transforming the country into a province of the Pope-dom!* For, as at least ninety-five per cent. of these females were Roman Catholics, it was shrewdly calculated by the Romish authors of the scheme, that most of them would in due time get married to Protestants, and that, as the priest had got Bridget and Norah already, he would of course get "the childher" also.* Not that Earl Grey and the Office could have any such design: they were merely

* On applying for one of these females myself, as a servant, in Sydney—for there were no others to be had at the time—I asked the person in charge how many had then arrived? and was told, about two thousand! I then asked how many of these were Protestants? and was told, about fifty! These fifty were doubtless intended to prove the *liberality* of the scheme—Protestants and Roman Catholics being taken indiscriminately; but in what proportions they were so taken was a different question, which people, it was understood, had no right to ask.

In reply to my protest in the year 1849, against this whole system of Irish Female Orphan Emigration—which Earl Grey had been induced to sanction at the instance of a lady of well-known philanthropy in connection with the subject of emigration to Australia, I mean Mrs. Chisholm—the Emigration Commissioners *proved* that there had not been a preponderance of females in the whole emigration of the period; and the idea of my finding fault with the arrangement was, in other quarters, imputed, of course, to my bigotry and intolerance. But who can be so blind as not to see that, in a country in which a large proportion of the young men

the innocent dupes and tools of those who had ; for there can be no doubt that there *was* such a design, and that it was well understood by the initiated. Although such a revelation was scarcely necessary, it oozed out accidentally from certain of the priests, when they were off their guard. This Irish Female Orphan Immigration had at length become such a nuisance in the colony, that protests were sent home against it again and again, particularly by the Town Council of Melbourne, and by the Legislative Council of New South Wales.

That I may not be regarded, however, as a prejudiced witness in regard to the character of the Irish Female Orphan Emigration to Australia, I subjoin, in the note below, a short correspondence on the subject with a gentleman at Moreton Bay, in regard to its character in that section of country. That gentleman is himself a native of Ireland. He was formerly an officer in the army, and is now a squatter and a magistrate of the territory in the Moreton Bay country.*

who emigrate to it from the mother country necessarily remain single for years after their arrival, the emigration of two thousand adult females will, in ten years from the date of their arrival, have a prodigiously different effect, on the general population, from that of the same number of males during the same period ? I still believe and am confident that the Irish Female Orphan Emigration to the Australian colonies was intended and planned, from the first, for the express purpose of strengthening and extending the Papal influence in these colonies.

* " Dear Sir,

Sydney, 13th Dec. 1851.

As you have doubtless been an attentive observer of the character and influence of the system of Irish Female Orphan Immigration, in the district of Moreton Bay, I shall feel much obliged by your stating to me the result of your experience and observation on the subject. I make this request the more willingly as, from your being yourself a native of Ireland, I feel assured you cannot be influenced by any national or unworthy prejudice against your own country-women.

" I am, dear Sir,

" Yours very truly,

" — — — Esq., J.P."

" JOHN DUNMORE LANG.

Before leaving England, on my return to the colony, in November, 1849, I addressed a letter to Earl Grey on the subject of his Lordship's misgovernment of the Australian colonies, during the three years he had then held office; letting him know, in a firm but respectful manner, that British colonists would not stand such treatment much longer — that they took it all the worse from his Lordship, after the many professions, as a colonial reformer, which he had made and belied — and that, as I felt confident they would take their own case into their own hands, and right themselves very soon, in the only way that was left for them, his Lordship would find them a very different sort of people to deal with from the Irish incapables of Ballingarry.

As a copy of this letter was forwarded, through a friend, to one of the London papers, it made the complete tour of the press of the United Kingdom, and was commented on variously, according to the politics and predilections of each particular paper. It naturally raised the indignation of Downing Street to fever heat; and a plan was accordingly concocted, with the assistance of the Emigration Department, to get me fairly put down in the colony by the Local Government. Earl Grey accordingly wrote, or at all events signed, a letter to the Go-

“ My dear Sir,

Sydney, 28th Dec. 1851.

“ I have to apologise for not having sooner answered your note, on the subject of Irish Female Orphan Immigration.

“ All with whom I have conversed join me in the opinion, that a more immoral set could not have been collected; and this opinion appears to me to prevail in Sydney as well as at Moreton Bay.

“ It is strange that those who so strenuously oppose the introduction of exiles on the score of immorality, should overlook this, — a greater calamity, by so much as woman's influence for good or evil is greater on society.

“ I am, dear Sir,

“ Yours very truly,

_____.

“ The Rev. Dr. Lang.”

vernor, on the subject of my efforts and exertions in the matter of emigration to Moreton Bay, couched in such unmeasured terms concerning myself, that the law officers of the Crown actually informed His Excellency that if the Local Government ventured to publish his Lordship's letter in the colony, I could indict them on an action for libel ! The letter was accordingly published as a *Council Paper*, under the *protection* of the Local Legislature ; which consists, to the extent of one-third, of Government nominees, and of another third of persons completely under the influence of the Local Government.

In particular, a charge of direct falsehood was urged against me, because Mr. Hawes *did not recollect* the purport of the conversation he had had with me at Brighton, as stated above—as if the careless *Non mi ricordo* of that gentleman, as to a matter in which he evidently took no interest whatever, was to be taken as equivalent to my positive testimony as to what he did say to me, when I went to Brighton expressly for the purpose of ascertaining the point, carrying with me a map of the Moreton Bay district, of which Mr. Hawes candidly acknowledged he knew nothing whatever ! The fact was, Mr. Hawes was too busy cooking the West India despatches for the Office, to care for what had passed with me about so unimportant a matter as that of a body of emigrants going to Moreton Bay, or to recollect anything about it.

Again, there had been two or three deaths, as there generally are among such a number of emigrants, on board the *Fortitude*, during the voyage ; and the surgeon superintendent, who was a non-conformist, and a conscientious man, reported, on his arrival, that there had been some cases of fever on the passage, and that there was one doubtful case at the time. The vessel was accordingly placed in quarantine ; but the thing proving a false alarm she was released in about eight days, there being no death, and no further sickness, in the interval. The emigrants landed in robust health, as did those also of the

other two vessels. The mere circumstance, however, of the *Fortitude's* being placed in quarantine was sufficient for the Emigration Commissioners to manufacture a case out of at my expense ; and my unprincipled procedure, and inhumanity, in allowing a ship to go to sea with such insufficient arrangements for the health of the people on board, were duly and indignantly commented on by his Lordship, or rather by these gentlemen for him.* But, as if Divine Providence would not allow an honest man, when making extraordinary and disinterested exertions for the welfare of his fellow-men, to be sacrificed in this way, or permit such unfounded accusations to pass with impunity, the very next ship the Commissioners sent out themselves to Moreton Bay had typhus fever of so virulent a character and so many deaths on board, during the passage, that she actually lay in quarantine four months after her arrival ! The surgeon superintendent having died of the disease, the Local Government applied *to one of the three surgeons I had sent out*, Dr. Hobbs, now a highly respectable practitioner at Brisbane, *to take his place* ; but from the way in which our whole party had been treated by the Local Government, Dr. Hobbs declined the appointment, and recommended them to send one of their own people. They did so ; and Dr. Ballow, the colonial surgeon of the settlement, who had consequently to take charge of the fever-ship, died also. A third surgeon, who had been in attendance at the quarantine station, and had been seized with the disease, providentially recovered ; but not fewer than fifty of the emigrants by that fatal ship—the *Emigrant*—and two surgeons, died on the voyage and in quarantine !

Earl Grey even condescended, in his letter to the Governor, to advise the emigrants per the *Fortitude* to institute legal proceedings against me, for alleged breach of

* The fact is, I had nothing to do with the provisions and medical comforts on board : they were supplied, agreeably to the Government scale in every particular, by contract, by one of the first mercantile houses in London, that of Mr. W. Tindall, of Clement's Lane.

engagement with certain of their number, in regard to the land—which, we expected, would be conceded by the Local Government, agreeably to the spirit of the Act of Parliament which appropriated one-half of the Land Fund for the promotion of emigration—but not one of them took his Lordship's advice, up to the hour I left the colony; and when I visited them at Moreton Bay, in November last, I experienced the most cordial reception from them all, receiving, from not a few of them, expressions of the warmest gratitude for having been the means of bringing them to their adopted country. So far, indeed, from their being disposed at any time to institute legal proceedings against me, they had, in a memorial which they presented to the Local Government in the year 1849, previous to my return to the colony, expressed their entire confidence in my integrity, in all the arrangements I had made with them, both individually and collectively.

In the mean time a vacancy having unexpectedly occurred in the representation of the city of Sydney, during the year 1850—shortly after my return to the colony, as also after Earl Grey's letter of charges against me had been published under the *protection* of the Council—I had the honour of being elected to fill it by the citizens, under a 20*l.* franchise, in spite of every effort, on the part of the Local Government and their adherents, to keep me out; and the first thing I did, on entering the Council, was to place a Notice of Motion on the Council Paper for the appointment of a Select Committee, to ascertain what grounds there were for the charges which had been preferred by Earl Grey, and published among the Papers of the Council, against a member of that House. *The Committee, however, was refused by the Government majority; as it was not deemed expedient to allow of any inquiry that might possibly issue in my honourable acquittal!*

But after the matter had been apparently disposed of in this way, an attempt was made, with the concurrence

of the Government, to get me condemned, on certain Resolutions founded on Earl Grey's charges, and concocted for the purpose, *without an inquiry!**

These Resolutions, it was understood, had been concocted at the Club, a select association in Sydney, comprising all the anti-popular, and, since the arrival of the present Governor, not a few of the immoral, elements of the community; the championship on the occasion being assigned to Mr. T. A. Murray, Member for the Squatting county of the same name,—a gentleman whose acknowledged lack of talent was abundantly compensated by his overweening vanity and self-conceit. Mr. Murray commenced his attack with a flourish of trumpets, announcing himself as the reluctant but self-denying champion of public virtue in the case, and promising the Council certain discreditable and lamentable disclosures as to my alleged delinquencies in connection with the emigration to Moreton Bay. This pompous exordium was followed up with the detail of certain alleged cases of personal hardship and individual grievance to which I had been accessory in the emigration to that district—cases which, it seems, had been reported, by some evil-disposed persons, to Mr. Murray, at second-hand, and of which both he and they were totally ignorant of the real nature and particulars; for as Moreton Bay is five hundred miles from Sydney, and communication infrequent, there was abundant room for misrepresentation, when there was any purpose to be served. In short, Mr. Murray's speech, on moving his condemnatory Resolutions, was one of the feeblest and most contemptible performances, of the nature of a public and personal attack on a political adversary whom it was intended to annihilate, that I have ever

* "Nothing," says M. de Chateaubriand, "can be more dangerous, more unsuitable, or more inapplicable to public affairs, than Resolutions directed against individuals or bodies, *even when these Resolutions are themselves honourable.*" *Life by himself*, part iii. 3.

known. On being permitted to reply, I addressed the Speaker as follows:—

“Mr. Speaker, if it has ever been your fortune to travel in the East, and especially to visit the ancient and illustrious city of Constantinople, you must doubtless be aware that it is the usual practice among devout Mahometans to transact the very commonest business of life in the name of their prophet; insomuch that even a fruitseller, walking about with his basket in the bazaar, will recommend his wares in this magniloquent language: ‘In the name of the prophet—Figs.’ Now, sir, after the fanfaronade with which the honourable member for Murray commenced his speech, and the series of trumpery cases with which he followed it up, and which I am quite sure I shall be able to dispose of presently to the entire satisfaction of every unprejudiced person in this House, I cannot characterise the whole performance of the honourable member in more appropriate language than that of the fruitseller in the public market of Constantinople: ‘In the name of the prophet—Figs!’”

The effect of this exordium was quite electrical. It was received with a perfect shout of laughter, at the expense of the honourable member for Murray, in all parts of the House, which was crowded at the time almost to suffocation to witness the fight. In short, the champion of the Club, when reckoning upon golden opinions for his self-denial and patriotism, forsooth! found all at once that he had become the object of the ridicule of the whole community; for, to use the language of the poet,

“The poor craven *Murray* said never a word,”

but hung down his diminished head in extreme vexation; receiving, thenceforth, by common consent, the soubriquet of *Figs*, as a further addition to his style and titles. The cry of the Mahometan fruitseller became for a time the catchword of the colony: it was in everybody’s mouth; and at a masqued ball, given by the Mayor

of the city on some great occasion very shortly thereafter, a shipmaster, who had dressed himself as a Turk and got a basket of fruit for the occasion, was said to have contributed not a little to the amusement of the evening, by perambulating the hall with all the mock solemnity of a Mussulman, and repeating the announcement "In the name of the prophet—Figs !"

While the corps of emigrants for the ship *Fortitude* was in process of formation in the year 1848, there was a Company organising, with the fairest prospects for a time, under the auspices of a shrewd London lawyer, on the information I had supplied, for the colonisation of the Moreton Bay district of New South Wales. That Company was to purchase a large tract of waste land at the minimum price, and to send out progressively a large body of suitable emigrants for its occupation and settlement, with a view to the growth of cotton and such other semi-tropical productions as should prove to be adapted to the soil and climate ; the cost of such emigration to be paid for, under a special arrangement with the Government, in accordance with the Act of Parliament, from the proceeds of the sale of the land. If this Company had been carried out agreeably to the original proposal, a sufficient extent of land would have been procured to cover the whole cost of the emigration per the ship *Fortitude*, which was intended as a sort of preliminary to the general enterprise, and no loss would have been sustained ; while the emigrants would individually have received from the Company, in addition to their passage out, a portion of land equivalent to the whole amount they had contributed to the enterprise. In short, the arrangement would have proved extensively and remarkably successful, and would have led to the rapid settlement of the whole east coast of Australia, from Port Jackson to the Tropic of Capricorn, with a numerous, industrious, virtuous, and eminently Christian population.

Unfortunately, however, the same spirit of ignorant

presumption that has proved so fatal to the colonies in higher quarters, extends to almost every Association or effort in the mother country in which their interests are in any way concerned. Colonial experience is regularly ignored—not only in Downing Street, but at all private Boards of Green Cloth in the City—as a thing that is quite unnecessary; and the opinions of men of intelligence and observation, who have been all their lives in the colonies, are set at nought for the crude notions and impracticable projects of men whose extreme ignorance is only surpassed by their extreme presumption. So it proved, at all events, in the case in question; and as I had a public character to lose in the colony, as the event has shown, and could not afford to identify myself with the schemes of Australian colonisation of parties who were totally ignorant on the subject, but who pretended to know a great deal more of it than I did, I was reluctantly obliged to withdraw from the *embryo company*, and to leave it to its fate. If I had not done so, I should certainly never have been elected a Representative of the City of Sydney on my return to the colony. In this way, the whole deficiency in the case of the emigration per the ship *Fortitude* fell exclusively on my shoulders, and the land, which would otherwise have been obtained to cover the expenses of the enterprise, was withheld.

The object I had contemplated in these arrangements from the first was, that emigrants of the industrious classes should receive an equivalent in land for whatever amount they should individually pay towards the cost of their passage out. For, as the Australian Land Sales' Act provides that at least one half of the proceeds of the sales of waste land shall be expended in the promotion of emigration, and allows the purchaser of land to nominate suitable emigrants for a free passage to the extent of his purchase, it would seem not only equitable, but the best possible arrangement in the case, to allow the humbler emigrant, who is able to contribute either the whole or a certain

proportion of the cost of his own passage, the benefit of this arrangement himself, by allowing him an equivalent in land for the whole amount of his actual payment towards the cost of his passage. But, as legislation in this country is intended rather for the benefit of the rich than for that of the comparatively humble or the poor, it is scarcely possible to conceive the difficulties that are thrown in the way of an arrangement so evidently accordant with the dictates of common sense and the interests of all parties concerned. For while the man of capital who invests, say 500*l.* or 1000*l.*, in the purchase of land in Australia, can have either the whole or nearly the whole of that money returned to him in the free passages of suitable labourers, farm-servants, or mechanics whom he may require for his own private purposes to carry out with him, the virtuous mechanic, farm-servant, or labourer, who has earned sufficient to defray the cost of his own passage, is not allowed the same twofold benefit himself! In short, the principle of our legislation in this particular is, that “*To him that hath, it shall be given; and from him that hath not, shall be taken away even that which he hath.*” Now, it was simply to secure for people of the industrious classes this twofold benefit, in the face of every conceivable discouragement and obstruction, that I voluntarily undertook all the trouble and annoyance I experienced in effecting the emigration to Moreton Bay. And it was simply the unfounded assumption that I was endeavouring *to make a good thing of it*, by making the poor emigrants pay twice over, first for their passage, and then for their land, that formed the basis of certain of the charges that were brought against me in the Legislative Council, after they had been repeated again and again, *usque ad nauseam*, in the *Sydney Morning Herald*—one of the most unprincipled papers in the British Empire, and the most opposed to popular freedom and the rights of men, although conducted by three professedly Christian men, a High-Church Puseyite, a deacon of the Independents,

and an ex-Methodist preacher. This, and all the other alleged facts of the case, could have been ascertained with the utmost facility through the Select Committee of Inquiry I applied for, but which the standing Government majority of the Council refused; deeming it safer and preferable for their purpose to pass a vote of condemnation without previous inquiry! This proceeding, which I shall leave the reader to characterise, occupied the Council a whole fortnight, during which I had to defend myself, single-handed, against the whole Government corps; the attempt to make me out an unprincipled knave, for doing the greatest service that had ever been rendered to the colony, and incurring the greatest hardships, sacrifices, and privations in the process, having occupied four whole nights during two successive weeks—the whole colony, to its farthest extremity, being spectators of the scene, and the case exciting the intensest interest, and procuring me multitudes of friends and supporters everywhere.

As an illustration of the effect which these proceedings, taken in connection with my own explanations and replies, produced upon the unprejudiced portion of the community, I shall take the liberty to mention the following incident. A highly respectable solicitor in Sydney, who had been identified, from the period of his arrival in the colony, with the extreme developments of the Puseyism of the Colonial Episcopal Church, waited upon me at my house while the case was in progress, to inform me that on his arrival in the colony he had been strongly prepossessed against me from what he had been told in various quarters, and had consequently been led to regard me as a thoroughly unprincipled and bad man; but that, having gone to the Council Chamber from mere curiosity, to hear the reply I had to make against the charges brought against me, he was fully satisfied, from the explanations I gave on the occasion, that I was an honest and injured man, and he therefore deemed it his duty to

apologise to me personally for the wrong he had himself unconsciously done me — giving me to understand, however, that he differed from me *toto caelo* in matters of religion. As an acknowledgment of this kind was not less honourable to the gentleman who made it than it was gratifying to myself, I have much pleasure in stating, as an evidence that I *had* the good opinion of men of the highest intelligence in the community, that that gentleman was Charles Lowe, Esq., of Sydney.

At the close of the fourth night's onset — when a large majority of the members, including all those who were friendly to me, had successively left the House, in the hope that there would be a count-out, and the subject disposed of in that way — the Government whipper-in having secured the exact number of officials, nominees, and personal enemies of my own, to make a House, viz., thirteen*, a vote of condemnation was accordingly passed against me.

Although this adverse vote could, under the circumstances in which it was passed, have no moral weight attached to it, and was universally regarded by the colonial public as a mere expression of personal hostility and political malevolence, I deemed it advisable to withdraw for a time from the Council; and I accordingly addressed a letter through the public press to my constituents, the citizens of Sydney, offering to resign my seat immediately, if they either concurred in or approved of the vote of the Council. A large public meeting of the citizens was accordingly held on the subject in the Old Barrack Square, J. R. Wilshire, Esq., J. P., formerly Mayor of Sydney, in the chair; of which the proceedings are recorded in the following Letter, Resolutions, and Address.

“Star Hotel, 27th August, 1850.

“Rev. and dear Sir,

“I have the honour to convey to you the enclosed copy of Resolutions unanimously adopted at a public meeting held this day,

* *The De'il's Dozen*, they were usually called at the time.

in the Old Barrack Square ; and further to inform you that an Address of confidence in your integrity as the Representative of this City (of which I also enclose a copy) is in course of signature by the electors. This address will be presented to you in a few days, and in the mean time it is the general opinion of your friends that you should immediately resume your seat in the Legislative Council.

"I would beg to add that at least two thousand persons attended the meeting to-day.

"I am, Rev. and dear Sir,

"Yours faithfully,

"J. R. WILSHIRE,

"The Rev. Dr. LANG, D.D. M.C., &c."

"Chairman.

"At a Public Meeting of the citizens of Sydney, convened by advertisement, and held in the Old Barrack Square, on Tuesday, August 27th, 1850, J. R. Wilshire, Esq., J.P., in the chair, the following resolutions were unanimously adopted:—

"Moved by J. M. Grant, Esq.,

"Seconded by Mr. H. Parkes :—

"1. 'That this meeting records its deliberate protest against the conduct of the Legislative Council, in first refusing to appoint a Committee to inquire into the charges preferred by the Secretary of State against the Rev. Dr. Lang, member for this city, and then proceeding to pass a vote of condemnation on that honourable member, without evidence, and under the colour of a mis-statement, that it had been invited by himself to such an unconstitutional course : that, in the opinion of this meeting, this procedure has been altogether most factious, unprecedented, and unjustifiable, and is calculated greatly to impair public confidence in the deliberations and acts of the present Council.'

"Moved by Dr. Aaron,

"Seconded by Mr. Robert Stewart :—

"2. 'That this meeting, cognisant of the fact that only thirteen members were present when the decision in the case of Dr. Lang was arrived at,—namely, the Colonial Secretary, the Colonial Treasurer, the Collector of Customs, the Attorney-General, Messrs. Parker and Icely, nominees, and Messrs. Wentworth, Donaldson, Darvall, Murray, W. Macarthur, Ebdon, and Mercer, is deliberately of opinion that two-thirds of these members, from the known or suspected bias of some, and the undisguised personal hostility of others, would never have been allowed to sit on a jury in the same case in the mother country.'

“ Moved by Mr. E. J. Hawksley,

“ Seconded by Mr. Driscoll : —

“ 3. ‘ That this meeting cordially sympathises with the Rev. Dr. Lang, in the unjust treatment which he has received from the Legislative Council in this matter ; and, hereby expressing its entire confidence in his public honesty and integrity, pledges itself to afford him every constitutional support, as the freely-chosen representative of this city.’

“ Moved by Mr. Dadswell,

“ Seconded by Mr. Hawksley : —

“ 4. ‘ That a petition, founded upon the foregoing resolutions, signed by the chairman, on behalf of this meeting, be presented to the Legislative Council.’

“ J. R. WILSHIRE,

“ Chairman.”

“ To the Rev. Dr. Lang, M.L.C.

“ Sir,

“ We, the undersigned electors of the city of Sydney, beg respectfully to assure you, that we have well considered the vote and proceeding of the Legislative Council, in reference to yourself, as recorded on the 21st instant, which we consider most tortuous and unconstitutional. We emphatically repudiate the course taken by that honourable body in this matter, in first denying you the means of inquiry, and then, by *manœuvre* and stratagem, seizing upon the circumstance of your having applied for such inquiry, to injure your character by a condemnatory vote. Of the improper feeling and indecency which characterised the conduct of the Council, in your case, sufficient proof is found in the fact that only one-third of the Members, — one-half of whom were Nominees and Officials, — were implicated in the unjust decision.

“ We beg to express our entire confidence in your integrity, and to assure you of our earnest resolve to support you to the utmost of our power, as our honest and freely-chosen Representative.”

(Here follow the Signatures.)

In accordance with this publicly expressed desire of the citizens of Sydney, I resumed my seat in the Legislative Council, to discharge the duty I had pledged myself to the constituency to perform, viz. to endeavour to obtain for them a fair and equitable share of the representation of the colony in the new Council about to be in-

stituted. I need scarcely add, however, that in this object I was unsuccessful. The Government majority, who had leagued together to pass a condemnatory resolution against me, without previous inquiry, followed up that unjust and unconstitutional act by another still more unprincipled and nefarious — by voting for the infamous Electoral Act of the Local Executive, which deprived one-half of the entire population and property of the country of its proper share in the general representation.

It must be pretty evident, from what I have stated above, that any unfortunate colonist, like myself, who has to do battle, either directly or indirectly, with Downing Street, must be prepared to do so on the principle of *No Quarter*. They never give any at *The Office*: the object of their savage denunciation must be run down and ruined by all means—that is, if not by fair means, at least by foul. And their power of accomplishing this purpose is sufficiently formidable: every instrument of force in the colonies, every engine of corruption, being at their service; and the whole “colonial pack” being ever ready to “bark and bite” at whomsoever they point, and to tear him limb from limb—if they can. No doubt, they were satisfied enough that they had *settled my affair*, when they forwarded to that worthy Representative of Her Majesty, the Governor General of Australia, the letter signed “Grey,” which was printed under *the protection* of the Local Legislature; and this *re-appearance* on my part, especially after the late Election movements in the colony, to which I shall refer presently, will doubtless take them a little by surprise, and make them say, with the poet:—

“The times have been
That *when the brains were out*, the man would die,
And there an end; but this man comes again,
With twenty mortal murders on his crown,
To push us from our stools.” *

* Shakespeare.

In the year 1850, the fifth year of Earl Grey's misgovernment of the Australian colonies, his Lordship was graciously pleased to permit the Imperial Parliament to grant us what his Lordship and the Duke of Argyll facetiously call a *New Constitution* for these colonies, but what we, simple-minded colonists, prefer calling by its proper name, a *New Sham*; the insult and mockery of which, occurring as it does in the present important crisis of our colonial history, is sure to hasten that "coming event," which nothing can long retard, and which is now "casting its shadow before." Insulted as we have been for at least ten years past with the constant repetition of this celebrated saying of the late Sir Robert Peel, from the hundred tongues of the British press, that "the colonies are an integral portion of the empire," let the reader only look at the Australian colonies for one moment as an integral portion of the British empire in the light of this *New Sham*.

First of all, then, we have one-third of all the members of our Colonial Legislature nominated by the Crown, or, in other words, by the Secretary of State and the Governor. What resemblance, I ask, is there here to the central and better governed portions of the empire? If Earl Derby had only the authority to nominate one-third—about 220 members—of the House of Commons, of what further use would that House be to the country? It would be of no other use than—like the present French Legislature, which exists by the grace of Louis Napoleon—to enregister the acts of the dictator.

Then we have a third of our revenue appropriated by Act of Parliament for the support of offices and establishments that are either not needed at all or that are extravagantly paid, while the real improvement of the country is postponed and neglected, and its welfare and advancement unprovided for. And by what right, under the British constitution, does the Imperial Parliament appropriate this money of ours? By no right whatever,

I reply ; the only right in the matter, either actual or pretended, being the right of physical force, the right of might, the right of that ancient Highland cateran Rob Roy Macgregor ! There is no principle of the British constitution less open to dispute, or of more importance to the subject than this, that the Imperial Parliament has no right to take a single sixpence of the money of the people for any purpose whatever without their own consent, expressed through their representatives ; and if we are really an integral portion of the empire, we have surely a right to all the benefit of this undoubted principle of the constitution.

How utterly helpless our condition really is, as an integral part of the British empire to be legislated for by the Imperial Parliament, may be inferred from the fact that the Australian Colonies' Bill was sent up from the House of Commons with the franchise continued at the old rate of twenty pounds ! It was at the instance of Lord Lyttelton that it was lowered in the House of Peers to ten pounds. This, indeed, was the only redeeming feature of the measure ; but even this proved utterly valueless to the colonists, from the artifice and chicanery, the downright political swindling, of the men into whose hands was committed, by the Secretary of State for the Colonies, the important trust of carrying out the Act in Australia. It was chiefly to provide for this foreseen emergency, and to ensure at least the utterance of a strong protest, on behalf of the people, against the apprehended invasion of their indisputable rights by unprincipled men, that I was elected by the citizens of Sydney as one of their representatives in the year 1850 ; and the circumstance will doubtless serve in no small degree to shed the requisite light on the extraordinary proceeding which issued in the famous vote of "The De'il's Dozen" of that year. In the Session of the late Legislative Council for 1851, which was convened to pass an Electoral Act for the better distribution of the

representation of the colony, the Colonial Secretary, as the organ and mouthpiece of the Local Government, propounded a scheme of representation, the real object of which was to neutralise the popular element in the Council, and to throw the whole weight of the influence of that body into the hands of the Local Executive. That this was really the case, I shall be able to show to the satisfaction of the reader.

In a new country, like the Australian colonies—in which there is no hereditary aristocracy, no privileged classes, no impediment in the way of any man's doing the best he can for himself, whether in town or country, or in whatever way he pleases—it must be evident that property or wealth will, like water finding its own level, spread itself pretty equably over the whole face of the community; so that a thousand persons in any one part of the territory will be found, on an average, to possess pretty much the same amount of property or wealth as an equal number of persons in any other part of it. It would, therefore, have been a measure of strict justice to the colonists to have apportioned the representation, under the new Constitutional Act, as nearly as possible, agreeably to the census of the inhabitants, which had just been taken, in the right time for such a purpose, immediately before the meeting of Council; taking it for granted, as was obviously and unquestionably the fact, that equal amounts of population would imply equal amounts of property or wealth all over the territory. For this principle, therefore, I contended strenuously, while the Bill was before the House; for, having been the Chairman of the Select Committee on the Representation in the year 1844, it naturally fell to me to take the lead in this matter,—showing that the principle in question was the principle of the famous Reform Act of the mother country in so far as it went; and that the many and great anomalies in the representation of the United Kingdom, which that Act had left untouched, and which had been again and again ap-

pealed to in justification of the Local Government scheme, were no precedent for us, as they existed merely in consequence of the magnitude and the long prevalence of the abuses which the Reform Act was intended to correct. For when I appealed to the Government and their backers, as to whether Lord John Russell would have established such a system of representation as obtains in the mother country under the Reform Act, had he found the United Kingdom a *tabula rasa*, such as New South Wales then was, with no vested interests in any quarter, it was reluctantly admitted that he would not ; or, in other words, that he would have established a system somewhat more in accordance with the principle of population and property combined—that is, with the rights of men. And as the Colonial Secretary had bespoken the sympathy and consideration of the Council for the great labour and pains he had taken in arranging the Government scheme of representation, I told him, to his great mortification, that he might have saved himself all that extra labour and pains, if he had only gone about the matter, which presented the simplest case imaginable, in an honest and straightforward way. The peroration of my speech on the subject, delivered on the 15th April, 1851, as reported by the contemporary press, was as follows :—

“ In the existing state of the colony it was impossible that the same obstacles could exist to the carrying out of a great principle, in the matter of representation, as at home ; and all they had to do, therefore, was to bring the principle recognised and established in the Reform Bill to bear upon the general distribution of the population over the country. Had they done this they would have taken the census as their guide, and have regulated the representation without any of these inconsistencies and absurdities. As he had before observed, he should not have been disposed to have stuck out against small discrepancies if the principle had been generally acted upon. With such a guide as the census, the information which honourable members possessed as to their respective localities, would have been made at once available with the most satisfactory results. The honourable the Colonial Secretary, who was the

author of this bill, had had as fair an opportunity of achieving immortality for himself as ever fell to the lot of statesman, but he was truly sorry to say he had neglected and abused that opportunity. But it did seem to him that there was somehow a fatality about the Whigs and all their followers, which prevented them from consummating any great and glorious measure. No man had ever had a more splendid opportunity of making his name illustrious throughout the British colonies than Earl Grey, when the seals of office were first placed in his hands; and had he only acted on the principles he professed in earlier years, he would have realised the highest fame. The honourable the Colonial Secretary had also had the fairest opportunity of justifying and perpetuating those golden opinions which had long been entertained of him; and he earnestly hoped, for his own part, that he would even now rescue his reputation from the opprobrium which this bill would assuredly fix upon it, if allowed to pass in its present shape. It was his earnest wish that the fame of the honourable Colonial Secretary should stand as high as possible. He had no hostile personal feelings towards him, notwithstanding the unworthy treatment he had himself experienced at his hands; but he must say that this measure was perfectly suicidal to the reputation of that honourable member, as well as irreconcilably at variance with the liberal spirit which he had always professed. It would be utterly subversive of the peace of society—it would set one part of the country and one class of the community at daggers drawn against another, and would plunge the whole colony into a state of constant irritation and political warfare, to which, he confessed, he could see no end. On these grounds he hoped the honourable Colonial Secretary would even yet reconsider this bill, and establish the representation of the colony on the only constitutional basis, that of population.”

The Local Government, however, was a great deal too strong in the late Council to require to concede any thing to popular rights; and the result was the passing of an Electoral Act, under which the City of Sydney, the Sydney Hamlets, and the County of Cumberland, comprising as they did upwards of three-eighths, or nearly one-half, of the population and property of the colony, were allowed only one-sixth of the representation; while the other five-eighths, or little more than the other half, had five-sixths allowed them. In round numbers, the amount

of population to which a member was assigned for the City of Sydney under this Act was 15,000, while the number to which a member was assigned for a squatting district on the north-western frontier, about 700 miles distant, was 1500. But the truth really was, that the citizens of Sydney were strongly imbued with the spirit of freedom, while the dwellers in the far remote squatting district were mere tenants of the Crown or their servants.

Mr. Wentworth, the other member at the time for the City of Sydney, acquired a bad pre-eminence on the occasion, in the estimation of all honest and liberal men throughout the colony, from his cordial adoption and strenuous advocacy of the Government measure. That gentleman had, in General Darling's time, advocated a five-pound franchise, and been clamorous on all occasions for the rights of the people. He had been a member of my Committee on the Representation in the year 1844, and on that occasion he had cordially concurred with the Committee, on the motion of the late Richard Windeyer, Esq., in recommending to the Council that, in consideration of its population and property, the City of Sydney should thenceforth have six members, viz., one for each ward, and the County of Cumberland four, or two additional; but seven years thereafter, when the population and property of Sydney and the County of Cumberland had been increased in a much higher ratio than that of the colony generally, he voted with the Government for three members for Sydney, and two for the County of Cumberland, adding, that, in his opinion, a twenty-pound franchise was too low!

This iniquitous distribution of the representation not only set aside the principle of population and property combined, as the basis of the general representation, but enabled the Government to throw a much larger amount of dead weight, in the shape of Nominees, into the Council than they could possibly have done had a fair and equitable distribution been effected. It is preposterous, therefore, for Earl Grey and the Duke of Argyll to tell

us, as they have been doing, in the House of Lords and otherwise, that the new Council has now the power to remodel itself as it pleases. What possible modelling for the better, I ask, can ever be expected from a body so constituted? The following are extracts from two articles on this subject, which I inserted at the time in the weekly journal I had established at the commencement of the past year:—

“ THOMSON & CO. ;

“ Or, the Conspirators about Government House.

“ They have done the deed ;” this political firm of Thomson & Co. ! They have virtually disfranchised a large proportion of the inhabitants, with at least an equal proportion of the general intelligence and moral worth and real property, of the colony, by depriving the people of their proper share in the representation of the country, and thereby handing them over to the tender mercies of the squatters and the Government nominees!! They have cheated us in great measure of the benefits we might otherwise have derived from the ten-pound franchise, and have literally sold the colony!!!”

“ When the ancient kingdom of Persia, the second of the four universal monarchies of Holy Scripture, was in all its glory, and the absolute monarch, who, like other Heads of the People, whom we shall not name, was absorbed in his lawless pleasures, and left the affairs of the State pretty much in the hands of his ministers, a foul conspiracy was got up in the purlieus of Government House against the entire people and nation of the Jews ; the object of which was to deliver over that whole people and nation, who were then scattered over the vast extent of the Persian empire, to an indiscriminate massacre, and to confiscate the whole of their property and wealth to the royal treasury. The head of this conspiracy was the prime minister Haman, who had obtained the consent of his too easy master to the atrocious edict of butchery and spoliation which he had secretly concocted, for the gratification of his own personal malice and private revenge, probably also in concert with one of the Superintendents of the Provinces, and one of the members for the metropolitan city of Shushan.

“ Here they were, therefore, the three conspirators, concocting

their foul conspiracy against the most intelligent, industrious, and virtuous subjects of the King, in the very purlieus of Government House; with the Royal Sign Manual before them, to authorise all their acts and deeds against His Majesty's interests and the rights and liberties of the people. For, like other Heads of the People, whom we shall not name, the Persian King, absorbed in his pleasures at Government House and elsewhere, resembled the poor bridegroom in Sir Walter Scott's beautiful poem of Young Lochinvar, when his rival, who pretended to have come to bid a final adieu to his lost Ladye Love, seized the hand of his intended at the bridal feast —

‘To lead but one measure, drink one cup of wine.’

For when the bridesmaids and bridesmen were all astonished at the boldness, as well as the gallantry, of the *step* —

‘The poor craven bridegroom *said never a word.*’

He left it all, we suppose, to be managed privately in the purlieus of Government House, by the three conspirators, Thomson, La Trobe, and Wentworth.

“There was a respectable old Jew, however, a police magistrate, or district Judge, in the city of Shushan, who had detected the conspiracy at the outset, and had made it known to his niece, Queen Esther, whose nation and kindred had previously been carefully concealed, and whom he conjured to use her utmost influence, and even to peril her life if necessary, to defeat and crush the foul conspiracy. So when everything was ready, Queen Esther invited the King and the prime minister to a private banquet; and after dinner, when the King, who understood that the Queen had some important request to prefer to him, asked her ‘*What is thy petition, Queen Esther? and it shall be granted thee: and what is thy request? and it shall be performed, even to the half of the kingdom. Then Esther the Queen answered and said, If I have found favour in thy sight, O King, and if it please the King, let my life be given me at my petition, and my people at my request: For we are sold, I and my people, to be destroyed, to be slain, and to perish. But if we had been sold for bondmen and bondwomen, I had held my tongue, although the enemy could not countervail the King's damage. Then the King Ahasuerus answered and said unto Esther the Queen, Who is he, and where is he, that durst presume in his heart to do so? And Esther said, The adversary and enemy is this wicked Haman!*’

“Now we, the people of Sydney and the other towns of this colony — we, the agriculturists, merchants, manufacturers, mechanics,

shipowners, householders, &c., of New South Wales and Port Phillip, — are in pretty much the same situation at present (with the exception of the massacre and confiscation of property), as the Jews in Persia under the government of Haman. For *we are sold, we and our people*, under the foul conspiracy which has been secretly concocting against us, for months past, in the purlieus of Government House. And if it is asked, as King Ahasuerus did — *Who is he, and where is he, that durst presume in his heart to do so?* — we have no hesitation in pointing out those whom we cannot help considering the three principal conspirators against us, viz.: Mr. E. D. Thomson, the Colonial Secretary; Mr. La Trobe, the Superintendent of Port Phillip; and Mr. Wentworth, the Advocate General of the Squatters of New South Wales. But if any of our readers are of opinion that His Excellency the Governor should be added to this trio, it is a mere matter of opinion, and we shall not object.

“The Imperial Parliament have recently sent us out a new constitution for the better government of these colonies. That constitution is certainly neither what we wished, nor what we were fairly entitled to, as an integral part of the Empire. But bad as it is, it has at least two redeeming qualities, which we desire to receive with all thankfulness. It has reduced the elective franchise to ten pounds, and it has left us to settle the representation, or, in other words, to distribute the electoral districts of the colony, according to the best of our own judgment, and the acknowledged principles of the British Constitution. Now, what are these principles, in regard to the distribution of the general representation of the country, as exhibited in the Reform Bill of 1832? Why, they are simply that population and property shall be as fairly represented as possible in the popular branch of the Legislature — that there shall be no pocket boroughs, no rotten boroughs, and as little as possible of mere class legislation. No doubt the Reform Bill, in professing to repair the venerable but rickety old house of the representative system of the British Constitution, fell far short of the *beau idéal* which its authors proposed to themselves; for it is very difficult indeed to correct abuses which have obtained the sanction of antiquity and the plea of use and wont for hundreds of years; but so far as it went, so far as it was practicable to go at the time, the Reform Bill of 1832 established the right principle and pursued the right course, by greatly increasing the representation of the cities and towns on the one hand, and by annihilating the rotten boroughs on the other. Now, what we complain of, in the Electoral Districts’ Bill which has just been concocted for us behind

the scenes in the purlieus of Government House,—what constitutes the foul conspiracy we have denounced,—is, that these acknowledged principles of the British Constitution have been completely ignored and set aside in that Bill, and a system of representation hatched up for us embodying the very worst features of the system which the British Reform Bill was intended to do away with; robbing both population and property of their proper share of the representation of the country; creating a mock representation with neither population nor property to back it, and subjecting the whole Colony in future to the enormous ambition and intolerable domination of a particular class, in favour of which its best interests have been sacrificed already.

“The very circumstance of this Bill having only been announced since the re-assembling of the Council, is a *primâ facie* evidence of its bad character, and of the crafty designs and objects of its authors. There is nothing in it that might not have been in it months ago. It cannot be pretended that it has been kept back till the census of the Colony had been declared. It has no connexion with the census—it sets it at defiance; and it has merely been kept back till now that public opinion might have no opportunity of expressing itself upon it till His Excellency’s voters were assembled to pass it in the Legislative Council. In one word, the Bill in question is a foul conspiracy to despoil the Colony of every thing like a parliamentary representation, to throw it entirely at the feet of the squatters, and thereby to create a Legislature that will effectually second Earl Grey’s views and objects by converting it, as soon as possible, into a penal settlement once more. This is evidently the deep design of those dishonest politicians who have got up this infamous Bill, which, we are decidedly of opinion, would meet precisely with the treatment it deserves if it were to be burnt by the common hangman at the Circular Quay, in sight of Government House and the Colonial Secretary’s office.”

When a private individual has rendered himself obnoxious to any anti-popular Government, by advocating popular rights against injustice and wrong-doing, any opportunity will be eagerly embraced that enables that Government and its retainers to make him the object of their vengeance. Such an opportunity had in the mean time offered itself, and it was accordingly seized and turned to account, as a valuable item of political capital, with extraordinary avidity. In the weekly journal to which

I have just referred, I had inserted a series of sketches of the character and history of certain of the famous *De'il's Dozen* of 1850, to shew the colony what sort of men they were in other respects who had outraged the principles of British justice at my expense, by passing a vote of condemnation in a case in which they had previously refused a Committee of Inquiry. These sketches were drawn up in the style of the supposed examinations of Mr. Dasher and Mr. Shorthorns; the individual himself being supposed to be called to give evidence on the salient points of his own character and history before an imaginary Committee of Inquiry. One of these sketches contained the case of Thomas Icely, Esq., a colonist of old standing, with whose participation in that vote I had some reason to feel aggrieved, although I had certainly no reason whatever to be at all surprised at it. Mr. Icely had amassed a large fortune in the colony, and had all along been a Nominee member of the Legislative Council; never opening his mouth, however, in the House, but always voting regularly with the Government, whatever the question might be, and ever ready to do its dirtiest work on all proper occasions. He was consequently a frequent and acceptable visitor and guest at Government House, and the chosen friend and associate of the young profligates who constituted the *élite* of its select society.

In the year 1824, Mr. Icely, who was then a merchant in Sydney, suddenly became possessed of a large ship, the *Midas*, and her valuable cargo, with which he proceeded forthwith to England. I took my passage to England for the first time, by this vessel, in the month of August of that year. I had heard, indeed, before leaving the colony, that the ship and cargo had not come into the possession of Mr. Icely in a creditable way, and that the former proprietor had somehow been victimised and ruined in the process; but it was no business of mine, and I made no inquiries into the matter. On my return to the colony I continued to maintain that sort of

acquaintance with Mr. Icely which is implied in *How d'ye do?* and *Good bye*, and proceeded no further, as we happened to move in very different spheres. Some time after my return to the colony, the circumstance of the manner in which the ship *Midas* and her cargo had come into the hands of Mr. Icely became the subject of frequent conversation in the colony, as Mr. I. was understood to have cleared 25,000*l.* and upwards by the transaction, while the former proprietor, with whom the public strongly sympathised, had been victimised and ruined. Still, however, as I had no connection with either of the parties, I took no interest in the matter, although I could not help learning the leading particulars of the case, as they were reported by persons on whose veracity I could place reliance.

But when Mr. Icely took part in the condemnatory vote of 1850, after having previously refused me a Committee of Inquiry,—when he voluntarily placed himself on that occasion, like a contemptible menial, at the service of the Government whipper-in, and, without uttering a single syllable on the subject, recorded his silent vote for my condemnation, to gratify the powers that were,—I felt myself called on to show up his antecedents to the colony,—to point out how the groundwork of his colonial fortune had been laid, and how, from the humblest commencement, he had grown so great. And to ascribe my doing so to extreme malevolence is simply gratuitous; for, in illustrating contemporary history, one may relate facts and circumstances that serve to bring out the character and conduct of individuals who stand prominently before the public, with quite as little of any such unworthy feeling as in illustrating any character or transaction of the remotest antiquity. Mr. Icely was a public man as a member of the Legislature, and he had thought proper in that capacity to endeavour to affix a public brand upon me in connection with a great service I had rendered to the public, without offering a syllable of explanation on the

subject himself, and after denying me the common justice of a previous inquiry. I had, therefore, a clear and undoubted right to take up the case of Mr. Icely; and as months had elapsed after the passing of the condemnatory vote before I did so, it was scarcely to be supposed that any malevolent feeling could subsist in the case.

The following therefore was the article to which I have alluded:—

“SELECT COMMITTEE ON THE DE'IL'S DOZEN.

“*Die Mercurii*, &c.

“PRESENT: The Chairman and all the Members.

“THOMAS ICELY, Esq., M. C., called in and examined.

“69. You are a Nominee member of the Legislative Council?

“I am,—thanks to His Excellency the Governor, who elevated me, a poor unworthy settler, to that high distinction!

“70. You were one of the De'il's dozen, who voted, in the famous case of Earl Grey and the Local Militia, against Dr. Lang?

“I was, and was happy to have it in my power to show my gratitude for the distinction conferred upon me, by supporting the Government on so important an occasion.

“71. You believe it to be the duty of a Nominee member to support the Government on all occasions?

“Decidedly. To tell the truth—in the language of the jury-box, I always *find* the Government in the right.

“72. You have never voted against the Government on any occasion?

“Not that I recollect of.

“73. Were you at all acquainted with Dr. Lang before the case referred to came on for discussion in the Legislative Council?

“I got acquainted with him slightly, through his late brother, so early as in the year 1823; but he was a fellow-passenger with me to England on board my ship the *Midas*, in the year 1824, when we got somewhat better acquainted.

“74. What rate of passage was paid you by Dr. Lang on that occasion?

“A hundred and ten pounds.

“75. And you had no fall-out during the voyage?

“Quite the reverse; we were on the best of terms the whole way.

“76. Have you had any transactions with Dr. Lang since?

"None whatever, with the exception of occasionally meeting him and exchanging friendly recognitions.

"77. Are you aware of anything, either in the public or private conduct of Dr. Lang, as a well-known colonist frequently before the public, during that long interval, to warrant your believing him guilty of the base conduct—equivalent to lying and fraud—imputed to him by the De'il's dozen, at the instance of Earl Grey and the Local Militia ?

"Certainly I am not ; but I deemed it my duty, as a Nominee member, to support the Government in the case, and voted accordingly.

"78. Referring to what you have stated about your ship, the *Midas*, in 1824, pray inform the Committee who was the owner of that vessel before she fell into your hands.

"(Hesitatingly.) One Joe Underwood, of Sydney.

"79. Mr. Joseph Underwood was a merchant in Sydney, trading on a pretty large scale ?

"He was.

"80. And he had fallen behind with his constituents at home ?

"He had.

"81. And they had sent you out a power of attorney to act against him, or, at least, the power of attorney was transferred to you as an active little man, who would do the business satisfactorily, and stick at nothing for your constituents ?

"Precisely.

"82. Mr. Underwood was in the meantime filling up his fine large ship with a noble cargo of sperm oil, whalebone, and fur-seal skins, &c., as there was no wool going at that time, and was making up a large party of colonists to go home with him to England, to pay off all his old scores, like an honest man, and come out again with a fresh venture ?

"Precisely.

"83. And you kept your power of attorney, as quiet as pussy, in your desk till the last moment, when Mr. Underwood was all ready for sea ; and you then produced it against him, and seized both ship and cargo on behalf of your constituents ?

"Precisely.

"84. And Mr. Underwood, of course, became a ruined man from that moment, and died some time after of a broken heart ?

"It may be so.

"85. You touched at the Auckland Islands, to fill up with more fur-seal skins ; and on arriving in the Channel you brought up at

Cowes, in the Isle of Wight, and posted off to London to do a little business for yourself there?

"Precisely.

"86. You found sperm oil, whalebone, and fur-seal skins all selling at noble prices, and ships worth their full value in the London market?

"Unquestionably.

"87. There was no difficulty, of course, in a person with so much property as you had in your hands getting advances in London, to any amount, on his bills of lading?

"Of course there was not.

"88. So you paid off all Mr. Joseph Underwood's creditors, and got their discharge in full in the first place; and you then disposed of the ship and cargo, and pocketed the difference: and this was the ground-work of your handsome fortune in New South Wales?

"Precisely.

"89. Now, supposing that the *Midas* and her cargo had not realized any thing like the amount of Mr. Underwood's debt, would you have been responsible to his creditors for the difference?

"Certainly not: I had done the best for them I could.

"90. To be sure. And as the ship and her cargo realized so much more than covered the claims of these creditors, to whom, in equity and justice, did the surplus belong?

"The witness declines answering this question.

"91. Did it belong to you, or to Mr. Joseph Underwood?

"The witness declines answering this question.

"92. Did any more of it really belong to you than your fair commission on the whole transaction?

"The witness declines answering this question.

"93. Pray inform the Committee what is the exact difference, in point of equity and justice, between your procedure towards Mr. Joseph Underwood and a case of Grand Larceny, such as has brought many a man to this Colony in double irons?

"I was never at college to learn such hair-splitting distinctions.

"The witness is directed to withdraw."

This article, of which I immediately acknowledged the authorship, was forthwith denounced and prosecuted as a false, scandalous, and malicious libel; and as it appeared, on the preliminary enquiry, that a purchase of the ship and cargo for 11,000*l.*, or thereby, had been made by

Mr. Icely from Mr. Underwood, and that the power of attorney which had led to the sale had been in the hands of Saxe Banister, Esq., the Attorney-General of the period, and not in Mr. Icely's, it was evident that the version of the transaction which I had received and published, was at variance with the real facts of the case, and that any defence or justification on my part was therefore out of the question. In such circumstances, I did all that an honest man could do in the case,—expressing my regret at the publication of the article, and at the injury it had done the plaintiff, but maintaining that I had not framed the narrative in any respect, but had received it as the current and generally believed report at the time; which indeed the constant allegations of Mr. Underwood himself, that he had been wronged and ruined in the affair of the Midas, tended greatly to confirm.

Mr. Underwood's widow is still alive; and as I had been told by a friend that she had expressed herself strongly on the publication of the article as to its general correctness, I waited upon her on the subject, when she told me at once, and without the slightest hesitation, that "the article was substantially correct, but that I had been in error in the details." Mrs. U. was summoned to give evidence on the trial that ensued, but had to be excused on a certificate of bad health.

It also appeared that the sale had taken place, not in open day, or at the place of business of either of the parties, but in the private house of a third party, to whom Mr. Underwood was indebted at the time, late on a Saturday night, or rather between twelve and one o'clock on the Sabbath morning. Mrs. U., when her husband came home, between one and two o'clock, and told her what he had just done, insisted that he should cancel the bargain, as it was not made on a lawful day; but Mr. U. was an honourable man, and having once put his name to paper in the matter, he would not draw back.

Some time after the sale, however, the Attorney-General's principal clerk, who had been a solicitor in England, and had been transported for some felony, accosted Mr. Underwood in the streets of Sydney, and requested him to call at the Attorney-General's office, as he had something of importance to show him. Mr. U., although a free emigrant himself, had, during the government of Major-General Macquarie, identified himself pretty much with the leading emancipists of the colony; and this person, being of that class, wished to do him a service. Mr. U. accordingly called at the Attorney-General's office, and was shown by his clerk a correspondence which had taken place between Mr. Icely and the Attorney-General on the subject of the power of attorney which the latter held against Mr. Underwood; and from that correspondence Mr. U. concluded that he had been duped and circumvented, wronged and ruined, in the affair of the Midas. For the reader will scarcely require to be reminded that much of the iniquity that is perpetrated between man and man in this iniquitous world, is so perpetrated in perfect accordance with all the forms and sanctions of law.

Mr. Underwood was not slack in communicating to others the impression which had thus been made upon his own mind, and his denunciations of Mr. Icely were accordingly loud and frequent. Of this there was a remarkable proof afforded from an unexceptionable quarter. A large bullet had been fired into Mr. Underwood's house in Sydney, which had struck the wall opposite to the window at which it had entered, and fallen flattened upon a sofa; and on tracing the course which the ball had taken from its entrance at the window, along the prolongation of the line of direction, it was evident that it must have come from the premises of Mr. Icely. Conceiving that the bullet had been fired designedly, Mr. U. offered a reward in the newspapers of the period for the discovery of the supposed assassin, and gave out

among his friends that the bullet had been fired by some person who had been employed by Mr. I. to *shut his mouth about the Midas*. Nay, he persisted in this allegation till the year 1832, the year of his death, when, repeating it at his own table to Mr. B. C. Rodd, solicitor, that gentleman informed him that the bullet had been fired accidentally by himself,—that he was a young man in Mr. Icely's employ at the time, and had fired the large horse pistol, from which the bullet had entered Mr. U.'s premises, without knowing it was loaded, or that it would carry so far; and that when he found that the constables were out in search of the supposed assassin, he had thrown the pistol into a well. The circumstance, however, exhibits in the clearest manner Mr. U.'s own impression in regard to the affair of the Midas; and, with this general knowledge of the circumstances of the case, I confess, the wrong I was supposed to have done to Mr. Icely sat very lightly upon my conscience. I had rendered myself amenable to legal consequences for the publication of the article, and for these I was prepared; well knowing, that as the affair was taken up in reality as a political prosecution, it was my alleged delinquencies in that capacity that were to be the real object of prosecution and punishment.

The trial that ensued took place before Sir Alfred Stephen, Chief Justice of New South Wales. This gentleman, although evidently designed by nature for a comparatively humble position in the world, has been transformed, by Downing Street influence, into an Australian Judge.* His talents are of the humblest order; his devotion to constituted authority, however absolute, perfectly abject; and his zeal against every thing like popular freedom and the rights of men fierce and rabid. Judge Dickenson, one of the puisne judges of the colony, has for some time past refused to identify

* *Ex quovis ligno Mercurius fit.* A Colonial Chief may be made out of any sort of timber.

himself with the society of Government House in New South Wales ; but the Chief Justice, and Mr. Therry, the other puisne judge, can see nothing exceptionable in a Governor-General — nothing wrong in Government House.

Whether I have done injustice to the intellectual character of Sir Alfred Stephen, the reader will be able to judge from the two following incidents. The Supreme Court of New South Wales is authorized to establish rules for the regulation of its own practice. This duty, it seems, devolves principally upon the Chief Justice, who has such an itch for legislation *in petto*, that one or two new *Regulæ Generales*, or rules for the practice of the Supreme Court, appear in almost every number of the Government Gazette. The thing was mentioned and denounced as a public nuisance in the present Legislative Council, during its first session in November last, by certain of the colonial lawyers who are members of that body ; some of them contending that these petty and contradictory enactments would fill a duodecimo volume, while others maintained that they would form an octavo. I had been the first, about a whole year before, to notice and to denounce this wholesale and retail legislation in miniature ; and the Australian Lycurgus was not likely either to forget or to forgive such an interference with his proper department.

Towards the close of the year 1850, there had been a meeting of the Anglican bishops of Australasia—including those of Sydney and Newcastle for New South Wales, and those of Van Dieman's Land, South Australia, Port Phillip, and New Zealand—held in Sydney, to obtain from the Home Government increased powers over their clergy, and to put forth by authority the Puseyite or Tractarian doctrine of Baptismal Regeneration. To the honour of the Episcopalians of three of the Australian Colonies—South Australia, Van Dieman's Land, and Port Phillip—the publication of the minutes of this Epis-

eopal conference raised quite a ferment of indignation in these colonies; both clergy and laity nobly protesting against the procedure of the bishops, both in regard to power, and in regard to doctrine. But the Puseyite system had unhappily imbedded itself too deeply in the sandstone and earboniferous formations of New South Wales to admit of any similar demonstration of spiritual life in that colony. *There*

“Every leaf was at rest, and we heard not a sound”

but the voice of the Chief Justice at a public meeting of his co-religionists in Sydney, proposing that, in commemoration of so truly apostolical an event as the *avatar* of six bishops in Sydney, a subscription should be forthwith commenced to erect a pillar for each of them, with his coat of arms carved upon it, in the Cathedral now building in Sydney,—each of these pillars, which, I presume, are to serve as a colonial substitute for what the Apostle Paul calls “the pillar and ground of the truth,” to cost One Hundred Pounds!

To resume the account of the trial. The late Mayor of Geelong, Alexander Thomson, Esq., formerly one of the members for Port Phillip, happening to be in Sydney at the time, entered the court while the Judge was summing up the case; and not observing at first where the sounds came from, he thought it was the counsel for the prosecution! This, indeed, was the style of the Judge’s charge throughout. It was a series of special pleadings and criminations against myself, to which the circumstance of my being an advocate for popular rights, and somewhat acceptable, on that account, to the colonists generally, gave an intenseness of bitterness which was not less evident than it was unseemly and discreditable. “What had I to do with emigration at all, either to Moreton Bay or elsewhere? The Government had acted perfectly right in the matter. The Legislative Council had been discharging a great public duty in the vote of

condemnation they had passed upon me, without previous inquiry ; and Mr. Icely was one of the honestest and most conscientious men in the world in giving such a straightforward vote as he had done in the matter. The proceedings of such honourable men were not to be called in question in any court in which he presided, especially by those who had nothing but the support of the mob to plead for them. He was not afraid of the people, not he ; but would do his duty in the case like a man." Such was the burden of His Honour's tirade on the occasion in question. It was a series of fierce, rabid charges, embodying imputations so intolerable, and so utterly unfounded, that I was obliged to call him to order on the bench, and to interrupt him in the course of his unmeasured vituperation with an indignant denial. In short, the whole proceeding was generally regarded at the time, by intelligent persons of all classes, as the exact counterpart of the conduct of Judge Jeffries on the trial of the Rev. Richard Baxter, as related by the eloquent Macaulay.

The jury found the libel proved ; and the sentence of the court was four months imprisonment, and a fine of 100*l*. The public immediately paid the fine, in a subscription of one shilling each ; and I was also relieved in a similar way from the law-expenses. Certain friends in the Colony proposed to apply to the Government for the shortening of the term of imprisonment ; and I was given to understand that such a thing was expected and would have proved successful : but, as a writer of contemporary history, I had no wish to be under any obligations to Sir Charles Fitzroy, and I therefore discountenanced and forbade any such application. The fact was, I required a few months of literary leisure, which I could scarcely have obtained at the time in any other way, to enable me to make the necessary researches and collections for this and the other work I intended to write on my contemplated voyage to England ; and the personal hardship and

suffering I experienced in being "shut up" for a time was consequently much less grievous than it might otherwise have been. Besides, the governor of the prison at Parramatta gave up to me the best apartment in his house, which was spacious and comfortable, with a private garden in front; and I had many visitors of all classes.

It was during the currency of this period of imprisonment that a great public meeting was held in Sydney, at which I was nominated one of the three popular candidates for the representation of the City; and, subsequently, at the General Election, under the New Constitution, in September, 1851, I had the honour to be re-elected for the City, and placed at the head of the poll by the largest majority ever known in the Colony. The following was the result of the election, as stated by the contemporary press:—

"DECLARATION OF THE POLL.

"Yesterday afternoon (17th September, 1851), at four o'clock, a great number of the citizens assembled before the hustings in Macquarie Place, for the purpose of hearing the official declaration of the poll taken the previous day.

"The Right Worshipful the Mayor said, it was now his duty to declare to them the result of the polling yesterday, which differed only in a trifling degree with the announcement he had made at the Town Hall on the previous evening. The votes polled for each candidate were as follows:—

"For the Rev. Dr. LANG.....	1191
JOHN LAMB, Esq.	1015
WILLIAM CHARLES WENTWORTH, Esq.	991
ALEXANDER LONGMORE, Esq.	900
CHARLES COWPER, Esq.	870

He therefore certified to them, and declared the Rev. John Dunmore Lang, John Lamb, Esq., and William Charles Wentworth, Esq., duly elected to represent the City of Sydney in the Legislative Council. He begged to congratulate his fellow-citizens on the peaceful and orderly manner in which the election had been conducted. It was a circumstance highly creditable to them, and worthy of being held up as an example to the whole world. (Cheers.) He would now call upon the Reverend Dr. Lang to address the meeting.

“The Rev. Dr. LANG, M.C., then came forward amidst enthusiastic and long continued cheering. He said he heartily congratulated them on the result of the present election, not because of any merit personally inherent in himself as having led to the gratifying result, but because it was the triumph of those liberal principles which were the glory of the age in which we live—the hope of long oppressed and suffering humanity. (Loud cheers.) This election had not turned at all upon the question of transportation. The real pivot on which it turned was the infamous Electoral Act. (Cheers.) The members returned had been returned because of the strong opinion which a large majority of the electors had taken up upon that question. He disclaimed all idea of any personal merit in himself as having led to this result; he felt that he owed his election entirely to the fact that he had identified himself thoroughly with those principles of political freedom which they desired to see applied in all these colonies. (Cheers.) They were all aware that within the last few months the Local Government had been entrusted with the transcendantly-important duty of establishing a constitution for this territory on the basis of the Act of Parliament which had been sent out for that purpose. During the progress of the Constitutional Act, he (Dr. Lang) had repeatedly but vainly entreated the Colonial Secretary, as the mouth-piece of the Government, as the mainspring of the measure, to do justice to all classes of the population, and to make a proper distribution of the representation among those who were entitled to the franchise; and he had predicted, at the time, that all those concerned in the concocting of the infamous Electoral Bill would suffer a heavy punishment sooner or later. (Loud cheers.) They were aware that, on that occasion, the Local Government, acting through the Colonial Secretary, had concocted a system of representation which he could only designate as a downright fraud upon the electors. (Vociferous cheering.) A countryman of his own, arguing on this very subject, with a native of the sister isle, asked him if one man was not as good as another? ‘Yes,’ replied the Irishman, ‘and a great deal better.’ (Loud laughter.) Now he (Dr. L.) did not go quite so far as the Irishman (laughter) in this matter. He would confine himself to the positive degree. But he maintained, without fear of contradiction, that any one man entitled to the elective franchise was just as good as any other man. (Cheers.) This was the principle on which the present election had turned. The Colonial Secretary had been the mainspring of the Electoral Bill, as far as the Government was concerned; but feeling his inability to carry that measure himself, he had looked about him for an accomplice (cheers and laughter);

and he was fortunate enough to find one in a quarter in which one would not have expected to find such a character,—namely, in the honourable and learned member, his present colleague. (Laughter and cheers.) And, agreeably to the system concocted between them, they had established it as a law, that 14,700 inhabitants of the City of Sydney, 8000 inhabitants of the Hamlets, and 11,000 inhabitants of the County of Cumberland, were no better than 1400 or 1500 inhabitants of the outskirts of the Colony 600 or 700 miles off! (Groans.) Now he appealed to them—but they had yesterday decided the matter—that this was nothing but a gross outrage on the common sense as well as on the rights of the citizens of Sydney. Their decision yesterday was emphatically a sentence of condemnation on those who would defraud them of their just rights. (Cheers.) The result afforded a melancholy spectacle, he must acknowledge. The man whose towering talent would have given him the most pre-eminent station in the Colony, had he stuck to their interests and to his own duty,—whose distinguished intellectual qualities ought to have ensured him that station to the latest day of his existence,—he who should have been the leader, the virtual dictator of his country, presented now the melancholy spectacle of coming in third best. (Cheers.) Nay, gentlemen, he may be thankful to “the diggings” for being in at all (cheers); for if the 1001 of his (Dr. L.’s) countrymen, instead of going to the gold mines, had remained to discharge their duties as electors — (mind, he did not say which was of the greatest importance)—they would have said to him, in the very broadest Scotch, ‘Ye’ll gang nae mair till yon toun.’ (Laughter and loud cheers.) He repeated it. The people of this metropolitan city had pronounced in the most unmistakeable manner, and in the most intelligible language, a sentence of condemnation on all concerned in getting up this infamous act—they, the people of a city which would shortly be second to none, in importance and influence, on the face of the earth. The tidings of this sentence of condemnation on all concerned in this case of public fraud, would come like a thunderclap on the Colonial Executive. But the tidings had fallen with heaviest effect on that false old crone, My Grannie O! No wonder she was hurt, no wonder she raved, as she saw that the days of fiddle faddle and of the *Sydney Morning Herald* were ended! She found that it was men—and no mistake!—and not scarecrows, that would henceforth be sent to represent the people. But it was proper to say nothing of the dead; and he would therefore say nothing more about the *Sydney Herald*. (Laughter.) The practical effect of this sentence of condemnation on the framers of the Electoral Act, was that the

act *must* be amended, and amended forthwith. (Cheers.) One of the first duties of the new Council would be to amend that act; and he was sure his honourable and gallant colleague who had been sent into Council on this occasion, would hold himself equally bound with him to obtain an immediate amendment of the Electoral Act. The constituencies of Sydney, of the Hamlets, and of the County of Cumberland, were determined to have justice done them as soon as possible. The other anomalous constituencies had been called into existence for the express purpose of giving the Government a larger power than the Act of Parliament contemplated, in the manufacture of Crown Nominees. But they would spare no exertions to do away, as speedily as possible, with this sham and mockery. Only when justice was done them in this matter, could they hope to obtain responsible government. If they had responsible government, no doubt the prime mover in this infamous business, the Hon. the Colonial Secretary, would have to march out of his place, and make way for some abler and better man. (Cheers.) Not that he (Dr. L.) would let him down completely and suddenly — he would do so gradually and gently; for instance, he would offer him the Professorship of Bunkum in that notable abortion, the Sydney University. (Laughter and cheers.) He congratulated his fellow-citizens on the position which the city had taken up as the political heart of the whole Australian group. They knew it was essential to the right action of the body, that the centre of the system should be healthy. The heart of the colony was in healthy action; and the blood it would send into the limbs and branches of the other colonies, would infuse new life into the whole political system. Personally, he thanked them for the certificate of character which they had given him, and which, he doubted not, would serve a future purpose, not only in the Colony, but in England, if it should be his fate once more to go home. They were all aware of his efforts to arouse public feeling at home, in order to obtain justice for the colonists of the Empire generally; but in making those efforts he had aroused the wrath of the Colonial Office against himself. The certificate of character given him by the city of Sydney would, however, enable him, in the phrase of military men, to open the trenches before Downing Street itself, and its committee of incapables (laughter), and ultimately, he trusted, to carry the place by storm. (Loud cheers.) He recollected that, some time after his election for the city last year, some comments had appeared in the London *Daily News*, stating that his election had been accidental, and that the constituency took no part in the extreme views he held, particularly as to the right of a colony to entire freedom

and independence (loud cheers) so soon as it was able and willing to manage its own affairs. He had risked his present election, however, —and he knew that he risked it—on a strong expression of this opinion. It was from no feeling of disloyalty that he professed these opinions. God forbid that he should feel disrespect for the authorities of the old fatherland! No one entertained higher sentiments of respect and regard than he did towards Her Majesty the Queen, and her royal consort. He contemplated with the greatest pleasure the domestic felicity of that happy family—a family which uniformly set a virtuous example to all around them, which, he deeply regretted, was not always imitated in the colonies. (Cheers.) But whilst he yielded to no man in respect, in veneration, for the constituted authorities of the mother country, he would never hesitate to express his conviction of the right of any colony of the Crown, as soon as it could stand on its own legs, to entire freedom and independence. If Great Britain had acted on this principle towards America, she would have saved 150,000,000*l.* of her treasure; she would have spared the spilling of much of the best of her blood, and prevented those feelings of alienation and hatred which prevailed, and would still prevail, between the two nations. He held that a common language, a common literature, a common law, and a common religion, constituted an infinitely stronger and more binding tie than those which kept them now under the domination of Downing Street; and whenever the day came when they should have a flag of their own (cheers) floating over the splendid series of colonies founded in Australia, he felt confident that Great Britain would rejoice with them, and would say, ‘Many daughters have done virtuously; but thou, Australia, hast excelled them all!’ (Immense cheering.)”

As a member of a legislative body so constituted as the present Legislative Council of New South Wales, I could have had no hope of doing any real service to my adopted country. I had therefore determined, months before the General Election, to proceed once more to England, for the publication of my two works on the Colonies, as well as in the hope of being enabled to render some important service to my fellow-men, in the present interesting crisis, in some other way. My efforts in the formation of the settlement at Moreton Bay had, in the meantime, subjected me to considerable pecuniary obligations; and the lawyer who represented the parties to whom they had

been incurred, deeming the result of the General Election a favourable opportunity for urging his claims, instituted a law-proceeding that would have imperilled my qualification as a member of council. In this conjuncture a few of the more prominent and influential of the citizens, who had taken a warm interest in promoting my election, came forward, in the handsomest manner, and offered to relieve me of that difficulty, and to enable me to take my seat. But it did not appear to me desirable for any person who had taken up the position which I had held in the Council, as an advocate for popular freedom and the rights of men, to be under pecuniary obligations to his constituents. I therefore respectfully declined the assistance that was thus offered me, and immediately resigned my seat, and embarked for England on the 15th of February last.



APPENDICES.

APPENDIX I.

No. 1. Page 70.

EXTRACTS OF EVIDENCE IN APPENDIX TO REPORT FROM THE SELECT COMMITTEE OF THE HOUSE OF COMMONS ON TRANSPORTATION, 1812.

MAURICE MARGAROT called in, and examined.

In what year did you sail to New South Wales? In 1794.

And to what period did you remain? Till the year 1810.

Did you observe that in consequence of the mode in which the convicts at Botany Bay were treated, that their morals and conduct were improved by their treatment? No.

What do you conceive to be the obstacles to their improvement? The selection of the officers by Government who are sent out there, and the arbitrary mode in which that Government is carried on, forasmuch as they have no rule to go by but one Act of Parliament, which enjoins them to keep as near to the laws of England as they can.

Point out what you conceive to be the principal defects in the system adopted by the officers sent out by this country. Trade, and personal ignorance; for to nothing else can their behaviour be attributed; it is barbarous and cruel in the extreme.

Do the majority of the officers to whom the government of the colony is entrusted embark in trade? All, to a man.

What is that trade? It consists, first of all, of monopoly, then of extortion; it includes all the necessities of life which are brought to the colony. The trade the officers are engaged in is, first, the supply of stores with wheat and pork, sometimes beef and mutton,

to the exclusion of the settlers; next, vessels arrive from different parts of Europe, and from India, with such articles as may be deemed luxuries; tea, sugar, rum, wine, little matters for clothing, silk handkerchiefs, &c., and a variety of articles; the officers purchase them, and retail them at perhaps 500 per cent. profit. There is likewise another monopoly; the Government has been very kind to the colony, and sent out various articles for the use of the settlers and prisoners, such as sieves, hats, clothes, linen, coarse cloth, and a thousand other articles; when a ship of that kind has arrived, and the goods have been landed in the King's stores, after a few days the stores are opened to the officers, who go in, lay their hands upon every thing of value, and have their names affixed to it as purchasers, and they leave nothing but the refuse for the colony; having so done by themselves or by their agents, they retail that, as I said before, at 500 per cent. profit. I believe I am not out when I say, that a sieve, to sift meal, which cost them 5s. 9d., has been sold for three guineas, and rum I have known sold at 8l. a gallon, which cost 7s. 6d.

Do you mean that civil officers, or military, or both, are engaged in this trade? All of them, to a man. In the year 1797, a combination bond was entered into by them, by which they were neither to underbuy or undersell the one from the other.

How was that known in the colony? Because it was offered me to sign, and I refused it, and from thence began my persecution: some of the upper inhabitants had that bond tendered them to sign; it was brought to me, I refused signing it: it went in fact to do what they have done ever since without it; there was an *esprit de corps* among them, that although they might jar between one another, if you offended one, you offended the whole; and any poor prisoner that had the misfortune to offend any one officer would be sure to get a flogging from some other.

Are not the settlers supplied with servants upon the first arrival of the convicts? No, they are not; they must wait till all the officers are served; they must wait till they can make interest with some person in office to obtain one.

Do you think the colony in a more flourishing state when you came away, than when you went there first? Proportionably less. There were about 4000 inhabitants when I went there; there were but about 11,000 or 12,000 when I left it.

Did the respectable part of the society appear to you to be increasing? There was very little respectable there.

WILLIAM RICHARDSON called in, and examined.

In what year did you go to Botany Bay? I do not recollect the year; I went out with Governor Phillip, in the first fleet.

Till what year did you remain there? I came home last Christmas was twelvemonths, Christmas 1810.

Were the articles you bought for yourself expensive to you? Very expensive; shoes, 20s. a pair; for a shirt, 20s.; sugar 7d. per pound, and tea a dollar an ounce; spirits, generally, 20s. a bottle.

Were those high prices owing to a temporary scarcity, or was it a general thing? It was general for the poor; the rich could get it cheaper.

Are you able to account for these high prices? No, I cannot; but from gentlemen having an opportunity of going aboard, and buying things of the captain; we could not go on board, because we were always paid with copper coin, and therefore we could buy nothing; if I had got 20*l.* soldier's pay, I could not get one individual thing from a ship.

[N.B. This man had gone out as a convict for seven years, and had enlisted as a soldier on becoming free.]

Mr. JOHN PALMER called in and examined.

In what year did you go to Botany Bay? In the year 1787, at the first forming of the Settlement.

And remained till what period? I remain till the month of May, 1810.

What was your office in Botany Bay? When I first went out, I went as purser of the *Sirius*, and in the year 1790 I was appointed Commissary.

Was the avidity for spirituous liquors very great in the colony? Yes, it was.

Was the price very high? The price was regulated by the Governor.

Of all spirituous liquors? Yes.

Were they sold in the colony at the price at which they were landed? No, they were bought at 6*s.* and 7*s.*, and sold sometimes as high as 2*l.* and 3*l.* and 4*l.*

Was not the greatest proportion bought by the officers of Government? Each officer was allowed to take a certain quantity, the licensed people had the same; in general the officers had the same as the licensed people.

Most of the officers in that colony trafficked in spirituous liquors? Yes, they did.

Do you recollect in the year 1797, or thereabouts, any combination formed or entered into by the principal inhabitants of the colony, by which they agreed not to undersell or overbuy each other? No, I heard of it, but I was not present; I left the colony in 1796, and returned to it in 1800. I have no doubt it did take place.

MR. ROBERT CAMPBELL called in, and examined.

In what year did you go to Botany Bay? In the year 1798, from Bengal.

To what year did you remain? I was there, with the exception of two or three short intervals, down to the year 1810.

For what purpose did you go? On a mercantile speculation, to procure seal skins for the China market, and supply the colony with necessary articles of merchandise from Bengal.

Did you receive that encouragement from the Governor which you had reason to expect? When I first arrived, in 1798, no class of settlers were allowed to purchase any articles of merchandise but the officers on the establishment, civil and military.

Were you allowed to sell your merchandise at your own price? No.

In what manner were the prices fixed? In 1798, the officers fixed the price of all articles of merchandise which I had then for sale. In 1800, and from that time to my departure in 1810, the Governor fixed the price of spirits and wine; the other articles we were allowed to dispose of to the best advantage.

Had you an opportunity of seeing the manner in which the merchandise sold to the military and civil officers was afterwards retailed to the colony? Yes.

At what profit were the articles retailed? Spirits sometimes at 500 per cent. at least; on other articles generally about from 50 to 75 per cent.

Were no difficulties thrown in your way in the disposal of the other articles, besides spirits and wine? On my first arrival there were.

Were they completely removed during the last ten years? Except on spirits and wine they were.

APPENDIX II.

No. 1. Page 103.

“ Sir,

December 14. 1807.

“ I have it in command from His Excellency the Governor, to acquaint you that the master, mariners, and crew of the schooner Parramatta, of which you are the owner, have violated the colonial regulations, by coming unauthorized on shore ; and that, in their justification, they say, you have deprived them of their usual allowance of provisions ; and they have no means of procuring them on board the schooner. In consequence of such their representations, I require your attendance at Sydney to-morrow morning, at ten o'clock, to show cause of such your conduct.

(Signed)

“ RICHARD ATKINS,

“ Judge Advocate.

“ *To Mr. John Macarthur.*”

MR. MACARTHUR'S REPLY.

“ Sir,

“ Parramatta, 14th Dec., 1807.

“ I am to acknowledge the receipt of your letter of this date, acquainting me that the master, mates, and the crew of the schooner Parramatta have violated the colonial regulations, by coming unauthorized on shore ; and that they, in their justification, say, I have deprived them of their usual allowance of provisions, &c. ; for which conduct you require me to come to Sydney to-morrow, and show cause. I have only in reply to say, that you were many days ago informed I had declined any farther interference with the schooner, in consequence of the illegal conduct of the naval officer in refusing to enter the vessel, and retaining her papers, notwithstanding I had made repeated applications that they might be restored. So circumstanced, I could no longer think of submitting to the expense of paying and victualling the officers and crew of a vessel over which I had no control ; but previously to my declining to do so, my intentions were officially made known to the naval officer. What steps he has since taken respecting the schooner and her people, I am yet to learn ; but as he has had two

police officers on board in charge of her, it is reasonable to suppose they are directed to prevent irregularities; and thereof I beg leave to refer you to the naval officer for what farther information you may require upon the subject.

"I am, Sir, your humble servant,

(Signed) "JOHN MACARTHUR.

Richard Atkins, Esq., Judge Advocate."

No. 2. Page 103.

WARRANT TO APPREHEND MR. MACARTHUR.

"New South Wales.

"Whereas, complaint hath been made before me upon oath, that John Macarthur, Esq., the owner of the schooner *Parra-matta*, now lying in this port, hath illegally stopped the provisions of the master, mates, and crew of the said schooner; whereby the said master, mates, and crew have violated the colonial regulations, by coming unauthorized on shore; and whereas I did, by my official letter bearing date the fourteenth day of this instant December, require the said John Macarthur to appear before me on the fifteenth day of this instant December, at ten o'clock of the forenoon of the same day; and whereas the said John Macarthur hath not appeared at the time aforesaid, nor since:—these are therefore, in His Majesty's name, to command you to bring the said John Macarthur before me and other His Majesty's Justices, on Wednesday next, the sixteenth instant, December, at ten o'clock of the same day, to answer in the premises: and hereof fail not.

"Given under my hand and seal, at Sydney, this fifteenth day of December, 1807.

(Signed) "RICHARD ATKINS. J. A. (L.S.)"

"*Mr. Francis Oakes,*

"Chief Constable, Parramatta."

No. 3. Page 106.

"PROTEST.

"To the Members of the Criminal Court.

"Gentlemen,

"It will, I am convinced, excite your surprise, as I think it must of every impartial man, to hear that I am brought a prisoner to this

bar, utterly unacquainted, except from rumour, of the nature of the accusation against which I am to defend myself. Such, however, is the fact: for although I have made three written applications to the Judge Advocate for a copy of the indictment or information, I have not been able to obtain it.

“In this unprecedented situation, and having been informed that the charge against me had been founded on certain events which originated in the illegal and arbitrary conduct of the Judge Advocate, as exemplified in the correspondence and warrants; I did conceive it prudent, and a piece of duty I owed to the community, to protest against Richard Atkins, Esq. being appointed to sit as a judge on a trial where he is so much interested, and in which his own security is so materially involved.

“To prevent unnecessary delay, and other consequences which I apprehended, I did, in a letter to His Excellency Governor Bligh, protest against the Judge Advocate, and respectfully required that a disinterested person might be appointed to preside at my trial.

“To this His Excellency was pleased to answer, ‘That the law must take its course, as he does not feel himself justified to use any interference with the executive power;’ by which I suppose it meant the judicial authority; and I humbly conceive His Excellency’s power must be the executive.

“Defeated in this attempt to obtain what I know to be my lawful right, my only alternative is to resort to the Members of this Court; and I do so under an entire confidence, that what I can prove to be my right, you, as men of honour, will grant me.

“To you then, gentlemen, I appeal; and solemnly protest against Richard Atkins, Esq. being allowed to take his seat as one of my judges on this trial.

“To support this protest, my first objection is, because there is a suit pending between us for the recovery of a sum of money that he unjustly withholds; and, as he is screened from the operation of the law, is to be submitted to His Majesty’s Ministers.

“My second objection is, because I can prove he has for many years cherished a rancorous inveteracy against me, which has displayed itself in the propagation of malignant falsehoods, and every act of injustice that can be expected to proceed from a person armed with power, against a man, whose life and conduct is, I trust, a public satire on his own.

“My third objection is, because I have long been the object of his vindictive malice, in consequence of my having been called as an evidence to support an accusation made against him by John Harris, Esq., that he was a swindler.

“My fourth objection is, because he has associated and combined with that well-known dismembered limb of the law, George Crosley, and others of as wicked minds, though perhaps not quite so notorious, to accomplish my destruction. In proof of this I have evidence to prove that Crosley had prepared the information to be produced on this trial, and has arranged the whole plan of evidence; he being considered eminently qualified to conduct that part of the business, from his extensive practice in that particular branch of legal knowledge. I have also proof in my hands, in the writing of that veteran practitioner, Crosley, which will convince the most sceptical mind that other schemes have been agitated to deprive me of my property, liberty, honour, and life.

“Here it is, gentlemen,—read it; and after, read the proceedings of a Bench of Magistrates, and you will see, that for presuming to complain of a most unlawful seizure of my property, which the Judge Advocate joined in reprobating, it has been determined to ruin me.

“This precious document came into my hands as if by the interposition of Divine Providence; it was dropped from the pocket of Crosley, and brought to me. That you may consider it at your leisure, I annex a copy both of it and of the proceedings of the Bench of Magistrates.

“My fifth objection is, because Richard Atkins, Esq. is my prosecutor on this trial, and is so deeply interested to procure my conviction, that, should he fail, nothing but the arm of power can save him from a criminal prosecution, at this very bar, for false imprisonment of me.

“My sixth and last objection is, on his having already pronounced sentence of condemnation against me, as is presumptively proved, and can be clearly, by his declaring that the Bench of Magistrates had the power to punish me by fine and imprisonment; thereby clearly demonstrating an intention to deprive me of the benefit of my present trial.

“It will not, I presume, be denied that the Judge Advocate, from the constitution of this Court, combines the two characters of judge and juror; and that it follows, as an indisputable consequence, that any objection which applies to either character, is strictly applicable to him.

“All therefore that remains for me to do, is to lay before you the legal authorities on which I found my right of challenge.

“*First Authority.*

“‘The suspicion of prejudice may be reasonably inferred against

a juror from his having an interest in the cause, whereby he may be led to the condemnation of the prisoner.

“ ‘The prisoner must assign his cause of challenge, of the relevancy of which the members are themselves the judges. The valid causes of challenge are, suspicion of malice, of prejudice, and infamous character.’—(*Tytler.*)

“ *Second Authority.*

“ ‘So jealous is the law of the perfect impartiality of jurors, that it is allowed to be a good cause of challenge that the juror has been heard to give his opinion beforehand, that the party is guilty.’—(*Tytler.*)

“ *Third Authority.*

“ ‘Two causes of challenge, impossible to be overruled, are the charges of corruption or bribery, verified by competent proof, and malice or hostile enmity expressed by word or deed against the prisoner. Infamous character is also a most relevant ground of challenge.’—(*Tytler.*)

“ *Fourth Authority.*

“ ‘It hath been allowed a good ground of challenge on the part of the prisoner, that the juror hath declared his opinion beforehand that the party is guilty.’—(*Burn's Justice.*)

“ *Fifth Authority.*

“ ‘The Mayor of Hereford was laid by the heels for sitting in a cause when he himself was lessor of the plaintiff in ejectment, though he by the charter was sole Judge of the Court.’—(*Burn's Justice.*)

“ *Sixth Authority.*

“ ‘In the cause of Foxham tithing in the county of Wilts, a justice of peace was surveyor of highways, and a matter which concerned his office coming in question at the sessions, he joined in making the order, and his name was put in the caption. Determined by Lord Chief Justice Holt, it ought not to be; as, if an action be brought by my Lord Chief Justice Trevor, in the Court of Common Pleas, it must be before Edward Neville, Knight, and his associates, and not before Thomas Trevor; and it was quashed.’—(*Burn's Justice.*)

“ *Seventh Authority.*

“ ‘And the better to remove all cause of suspicion of partiality, it was wisely provided by the statutes 4th Edw. III. cap. 2.;—8th Richard II. cap. 2.;—and 33rd Henry VIII. cap. 24.;—that no Judge of Assize shall hold pleas in any county wherein he was born or inhabits.’—(*Blackstone's Commentaries.*)

" Eighth Authority.

" Jurors may be challenged for suspicion of bias or partiality : this may be either a principal challenge, or to the favour. A principal challenge is such, where the cause carries with it evident marks of suspicion, either of favour or malice ;—as that he hath an interest in the cause ; there is an action pending between him and the party : these are principal grounds of challenge, and, if true, cannot be overruled.'—(*Blackstone's Commentaries.*)

" Gentlemen,—It would be an unpardonable waste of your time, and an insult to your understandings, to press upon you more authorities, for those I have submitted are clear to the point.

" You will now decide, gentlemen, whether Law or Justice shall finally prevail over the contrivances of George Crosley : you have the eyes of an anxious public upon you, trembling for the safety of their property, their liberty, and their lives.

" To you has fallen the lot of deciding a point which involves perhaps the happiness or misery of millions yet unborn ; and I conjure you in the name of the Almighty God, in whose presence you stand, to consider the inestimable value of the precious deposit with which you are entrusted.

" For my own part, knowing you as I do, I have no apprehensions. I feel assured, that neither expectations of reward and favour, nor dread of persecution, will influence your decision.

" It is to the *Officers of the New South Wales Corps* that the administration of justice is committed ;—and who that is just has any thing to dread ?

(Signed)

" JOHN MACARTHUR.

" Sydney, January 25, 1808."

No. 4. Page 107.

" DEPOSITION.

" The prisoner, John Macarthur, Esq., now before the Court, claims their protection, he having received information from divers friendly persons, that a large body of men are armed, with orders to carry into execution a warrant from the Judge Advocate against him for exercising his lawful right of challenge against the said Judge Advocate, and assigning his reasons for it, as he was directed to do by the Court.

" The deponent farther swears, that, from the information he has received, he considers his life in danger from the unprincipled and

atrocious characters that are combined against him under the direction of the infamous George Crosley : he therefore declines giving any bail, and entreats the Court will be pleased to put him under the protection of a *military guard*, they being the only persons in whose hands he could consider himself secure.

(Signed) "J. MACARTHUR.

" Sworn before the Court of Criminal Jurisdiction,
this 25th day of January, 1808.

(Signed) "A. F. KEMP, Senior Member,
J. BRABYN, Lieut.,
WM. MOORE, Lieut.,
THOS. LAYCOCK, Lieut.,
WM. MINCHIN, Lieut.,
WM. LAWSON, Lieut."

No. 5. Page 108.

"Sydney, January 25, 1808.

"Sir,

"We, the officers composing the Criminal Court of Jurisdiction appointed by Your Excellency, beg leave to state to you, that a right of challenge to the Judge Advocate, Richard Atkins, Esq., has been demanded by the prisoner, John Macarthur, Esq., which we, as a Court, after mature and deliberate consideration, have agreed to allow as a good and lawful objection. We therefore submit to Your Excellency, to determine on the propriety of appointing another Judge Advocate to preside in the present trial. We farther pray Your Excellency's protection in the execution of our duty, having been grossly insulted and threatened by Richard Atkins, Esq., with a seeming view to deter us in our proceedings.

"We have the honour to be

"Your Excellency's faithful and humble servants,

(Signed) "A. F. KEMP, Capt. N. S. W. Corps,
J. BRABYN, Lieut. N. S. W. Corps,
WM. MOORE, Lieut. N. S. W. Corps,
THOS. LAYCOCK, Lieut.,
WM. MINCHIN, Lieut.,
WM. LAWSON, Lieut."

Addressed,

"On His Majesty's Service,
His Excellency Gov. Bligh, &c."

“Government House, Sydney, January 25, 1808.

(*Half past noon.*)

“Gentlemen,

“In answer to your letter just received, I conceive that there could have been no cause of challenge to the Judge Advocate, who is the officer appointed by His Majesty’s patent, and without *whose* presence there can be *no Court*.

“And I consider that the Judge Advocate had a right to commit any person who might commit any gross insult to him, while he was in his official capacity as Judge of the Court. I do not consider the Court to be formed without the Judge Advocate; and when legally convened, I have no right to interpose any authority concerning its legal acts.

“I therefore can do no otherwise than direct that the Judge Advocate take his seat, and act as directed by His Majesty’s letters patent, for the constituting the Court of Criminal Jurisdiction; which, being authorised by an Act of Parliament, is as follows: — ‘And we farther will, ordain, and appoint, that the said Court of Criminal Jurisdiction shall consist of our Judge Advocate for the time being, together with such six officers of our sea and land service, as our Governor (or, in case of his death or absence, our Lieut. Governor) shall, by precept issued under his hand and seal, convene from time to time for that purpose.’

“I am, gentlemen,

“Your most obedient humble servant,

(Signed) “WM. BLIGH.

“To Capt. Anthony Fenn Kemp,	Lieut. Thomas Laycock,
Lieut. John Brabyn,	Lieut. William Minchin,
Lieut. William Moore,	Lieut. William Lawson,

“Of His Majesty’s New South Wales Corps.”

No. 6. Page 108.

“Sydney, January 25, 1808.

“Sir,

“We have had the honour of Your Excellency’s opinion with respect to the objection made by a prisoner (John Macarthur, Esq.) to the Judge Advocate, in answer to our letter to Your Excellency on that subject.

“We beg Your Excellency to be assured that we have at all times the utmost deference to any opinion delivered by you; but in

the present case we cannot, consistent with the oath we have taken, or our consciences, sit with Richard Atkins, Esq., in the trial of John Macarthur, Esq., well knowing the hostile enmity which has existed between them for the last thirteen or fourteen years. We therefore pray Your Excellency's farther consideration on the subject.

"We have the honour to be

"Your Excellency's faithful and obedient servants,
(Signed) "ANTH. FENN KEMP, Capt. N. S. W. Corps,
J. BRABYN, Lieut. N. S. W. Corps,
WM. MOORE, Lieut. N. S. W. Corps,
THOS. LAYCOCK, Lieut.,
WM. MINCHIN, Lieut.,
WM. LAWSON, Lieut.

"*His Excellency, Gov. Bligh, &c. &c.*"

No. 7. Page 108.

"Government House, Sydney, January 25th, 1808.

"Gentlemen, (Quarter past two o'clock.)

"In reply to your second letter of this date, I require that you deliver to Mr. William Gore, Provost Marshal, and Mr. Edmund Griffin, my Secretary, who accompanies him on the occasion, all the papers that the Judge Advocate left on the table, and which were refused to be sent to him by the constable; and also those which the prisoner John Macarthur has read before you, that they may be delivered to the Judge Advocate, His Majesty's legal officer.

"I am gentlemen,

"Your most obedient humble servant,

(Signed) "WM. BLIGH.

Addressed to

"Capt. Anthony Fenn Kemp,	Lieut. Thomas Laycock,
Lieut. John Brabyn,	Lieut. William Minchin,
Lieut. William Moore,	Lieut. William Lawson,

"Of His Majesty's New South Wales Corps."

No. 8. Page 108.

"Sir, Sydney, January 25th, 1808.

"We take the liberty of inclosing to Your Excellency a copy of a deposition made before us, as Members of a Criminal Court this

day assembled under Your Excellency's precept, by John Macarthur, Esq., a prisoner at the bar.

"We earnestly entreat Your Excellency will be pleased to order such protection to be given to Mr. Macarthur, as in our humble opinion the nature of the complaint stated by him before us merits.

"We beg leave to assure Your Excellency that it is not without the most heartfelt sorrow that we have been eye-witnesses this day of the laws having been grossly violated by Richard Atkins, Esq., the Judge Advocate, in threatening, before the sacred tribunal of a Criminal Court, to commit John Macarthur, Esq., the prisoner at the bar, who was pleading his own cause by the Court's order, to jail, as a common felon.

"We have the honour to be

"Your Excellency's most obedient humble servants,

(Signed) "ANTH. FENN KEMP, Capt. N. S. W. Corps,
J. BRABYN, Lieut. N. S. W. Corps,
WM. MOORE, Lieut. N. S. W. Corps,
THOS. LAYCOCK, Lieut.,
WM. MINCHIN, Lieut.,
WM. LAWSON, Lieut.

"*His Excellency Gov. Bligh, &c.*"

"Sydney, January 25th, 1808.

"Sir,

"We are honoured with Your Excellency's letter, requiring of us to deliver to Mr. Gore and Mr. Edmund Griffin all the papers the Judge Advocate left on the table, and also those of the prisoner John Macarthur, Esq., read before us.

"With all due submission to Your Excellency's commands, we beg leave to state, that we are not defensible in giving up the papers alluded to, to any person, unless Your Excellency thinks *proper to appoint another Judge Advocate to proceed on the trial of John Macarthur, Esq.*

"We have the honour to be

"Your Excellency's most obedient humble servants,

(Signed) "ANTH. FENN KEMP, Capt. N. S. W. Corps,
J. BRABYN, Lieut.,
WM. MOORE, Lieut.,
THOS. LAYCOCK, Lieut.,
WM. MINCHIN, Lieut.,
WM. LAWSON, Lieut.

"*His Excellency Gov. Bligh, &c.*"

No. 9. Page 108.

“ Government House, Sydney, Jan. 25th, 1808.
(Three-quarters past three o'clock.)

“ Gentlemen,

“ I have required the Judge Advocate’s papers, with those that were read by Mr. John Macarthur, and I now demand finally your answer, in writing, whether you will deliver these papers or not, and I again *repeat*, that you are *no Court* without the Judge Advocate.

“ I am, gentlemen,

“ Your most obedient humble servant,

(Signed)

“ WM. BLIGH.

Addressed to

“ *Capt. Anthony Fenn Kemp,*

Lieut. Thomas Laycock,

Lieut. John Brabyn,

Lieut. William Minchin,

Lieut. William Moore,

Lieut. William Lawson,

“ Of His Majesty’s New South Wales Corps.”

“ Sydney, January 25, 1808.

“ Sir,

“ In answer to Your Excellency’s letter, we beg leave to say, that we are ready to furnish Your Excellency with an attested copy of all the papers required ; but the originals we are compelled to keep in justification of our conduct ; or, should Your Excellency be pleased, for the furtherance of the public service, to appoint a Judge Advocate for the trial of Mr. Macarthur, we are ready to deliver them up to the person so appointed.

“ The Court constituted by Your Excellency’s precept, and sworn in by the Judge Advocate, beg leave to acquaint you they have adjourned to wait Your Excellency’s farther pleasure.

“ We have the honour to be

“ Your Excellency’s most obedient humble servants

(Signed)

“ A. F. KEMP, Capt. N. S. W. Corps,

J. BRABYN, Lieut.,

WM. MOORE, Lieut.,

THOS. LAYCOCK, Lieut.,

WM. MINCHIN, Lieut.,

WM. LAWSON. Lieut.

“ *His Excellency Governor Bligh, &c. &c.*

No. 10. Page 109.

“ Court House, Sydney, January 26th, 1808.

“ Sir,

“ We have the honour to inclose Your Excellency an attested copy of the Address delivered to the Court yesterday by John Macarthur, Esq., a prisoner at our bar. The address, we trust, will induce Your Excellency to concur in the opinion we have given, that the Judge Advocate, Richard Atkins, Esq., has been challenged on good and lawful grounds, and is ineligible to sit as a Judge in the cause before us.

“ We also take the liberty to submit to Your Excellency, that having taken an oath, ‘ well and truly to try, and a true deliverance make, between our Sovereign Lord the King and the prisoner at the bar, and a true verdict give according to evidence,’ that we are bound to proceed to the trial of John Macarthur, Esq., or to violate our oath. We therefore pray that Your Excellency will be pleased to nominate some impartial person to execute the office of Judge Advocate.

“ It is with much concern we have learned by the inclosed deposition made before us by G. Blaxcell, Esq. and N. Bayly, Esq., that the body of John Macarthur, Esq., the prisoner arraigned before us yesterday, has been forcibly arrested from the bail which the Court remanded him in ; which illegal act of the Magistrates (grounded on the false deposition of Mr. William Gore, Provost-Marshal), we beg leave to represent to Your Excellency, is, in our opinion, calculated to subvert the legal authority and independence of the Court of Criminal Jurisdiction, constituted in this colony by His Majesty’s letters patent ; and we therefore pray that Your Excellency will discountenance such magisterial proceedings, pregnant with the most serious consequences to the community at large ; and that Your Excellency will be pleased to take measures to restore John Macarthur, Esq. to his former bail, that the Court may proceed on his trial.

“ We are Your Excellency’s

faithful and obedient humble servants,

(Signed)

“ A. F. KEMP, Capt. N. S. W. Corps,

J. BRABYN, Lieut.,

WM. MOORE, Lieut.,

THOS. LAYCOCK, Lieut.,

WM. MINCHIN, Lieut.,

WM. LAWSON, Lieut.

“ *To His Excellency Governor Bligh, &c. &c.*”

No. 11. Page 112.

“ To the Keeper of His Majesty’s Jail at Sydney.

“ You are hereby required and directed immediately to deliver into the custody of Garnham Blaxcell and Nicholas Bayly, Esqrs., the body of John Macarthur, Esq., who was committed by warrant dated the 25th instant, signed by Richard Atkins, Thomas Arndell, Robert Campbell, and John Palmer, Esqrs.; it having been represented to me by the officers composing the Court of Criminal Judicature, that the bail bond entered into by the said Garnham Blaxcell and Nicholas Bayly remains in full force.— Herein fail not, as you will answer the same at your peril.

“ Given under my hand and seal at Sydney, New South Wales, this twenty-sixth day of January, 1808.

(Signed) “ GEORGE JOHNSTON, I. P.

“ Lieutenant-Governor, and Major commanding
New South Wales Corps.”

No. 12. Page 114.

“ The regiment marched down from the barracks, led on by Major Johnston and the other officers, with colours flying and music playing as they advanced to the house. Within a few minutes after, the house was surrounded; the soldiers quickly broke into all parts of it, and arrested all the magistrates, Mr. Gore, the provost-marshal, Mr. Griffin, my secretary, and Mr. Fulton, the chaplain. I had just time to call to my orderly sergeant to have my horses ready, while I went up stairs to put on my uniform, the family being then in deep mourning; when, on my return, as I was standing on the staircase waiting for my servant with my sword, I saw a number of soldiers rushing up stairs with their muskets and fixed bayonets, as I conceived to seize my person. I retired instantly into a back room, to defeat their object, and to deliberate on the means to be adopted for the restoration of my authority, which in such a critical situation could only be accomplished by my getting into the interior of the country adjacent to the Hawkesbury, where I knew the whole body of the people would flock to my standard. To this situation I was pursued by the soldiers, and after experiencing much insult was conducted below by Lieut. Minchin, who told me that Major Johnston was waiting for me. We passed

together into the drawing-room, every part being crowded with soldiers under arms, many of whom appeared to be intoxicated.

"I then received a letter, brought by Lieutenant Moore, and signed by Major Johnston (calling himself Lieutenant-Governor), requiring me to resign my authority, and to submit to the arrest under which he placed me; which I had scarcely perused, when a message was delivered to me, that Major Johnston wished to speak to me in the adjoining room, at the door of which he soon after appeared, surrounded by his officers and soldiers; and in terms much to the same effect as his letter, he there verbally confirmed my arrest. Martial law was proclaimed, my secretary and my friends were prevented from seeing me, and I was left only with my daughter and another lady.

"By Major Johnston's orders several persons seized my cabinet and papers, with my commission, instructions, and the great seal of the colony. These were locked up in a room, guarded by two sentinels, and several others were placed round the house to prevent my escape.

"On the following day Lieutenant Moore came with Major Johnston's orders, and carried away my swords and what fire-arms he found in the house."

The following is a copy of the letter alluded to by the Governor.

"Head Quarters, January 26th, 1808.

"Sir,

"I am called upon to execute a most painful duty. You are charged by the respectable inhabitants of crimes that render you unfit to exercise the supreme authority another moment in this colony; and in that charge all the officers serving under my command have joined.

"I therefore require you, in His Majesty's sacred name, to resign your authority, and to submit to the arrest which I hereby place you under, by the advice of all my officers, and by the advice of every respectable inhabitant in the town of Sydney.

"I am, Sir,

"Your most obedient humble servant,

(Signed) "GEORGE JOHNSTON,

"Acting Lieutenant-Governor, and Major commanding New South Wales Corps.

"To William Bligh, Esq., F. R. S.

&c. &c."

No. 13. Page 129.

“ GENERAL ORDERS.

“ Horse Guards, July 2nd, 1811.

“ At a General Court-Martial, held at the Royal Hospital, Chelsea, on the 7th of May, 1811, and continued by adjournment to the 5th of June following, Lieut.-Col. George Johnston, Major of the 102nd Regiment, was arraigned upon the under-mentioned charge, viz. —

“ ‘ That Lieut.-Col. George Johnston, Major as aforesaid, did, on or about the 26th day of January, 1808, at Sydney, in the colony of New South Wales, begin, excite, cause, and join in, a mutiny, by putting himself at the head of the New South Wales Corps, then under his command, and doing duty in the colony, and seizing and causing to be seized and arrested, and imprisoning and causing to be imprisoned, by means of the above-mentioned military force, the person of William Bligh, Esq., then Captain-General and Governor in Chief in and over the territory of New South Wales.’

“ Upon which charge the Court came to the following decision :—

“ ‘ The Court having duly and maturely weighed and considered the whole of the evidence adduced on the prosecution, as well as what has been offered in defence, are of opinion that Lieut.-Col. Johnston is *guilty* of the act of mutiny as described in the charge, and do therefore sentence him to be *cashiered*.’

“ His Royal Highness the Prince Regent, in the name and on behalf of His Majesty, was pleased, under all the circumstances of this case, to acquiesce in the sentence of the Court.

“ The Court in passing a sentence so inadequate to the enormity of the crime of which the prisoner has been found guilty, have apparently been actuated by a consideration of the novel and extraordinary circumstances, which, by the evidence on the face of the proceedings, may have appeared to them to have existed during the administration of Governor Bligh, both as affecting the tranquillity of the colony, and calling for some immediate decision. But although the Prince Regent admits the principle under which the Court have allowed this consideration to act in mitigation of the punishment which the crime of mutiny would otherwise have suggested, yet no circumstances whatever can be received by His Royal Highness in *full* extenuation of an assumption of power, so subversive of every principle of good order and discipline, as that under which Lieut.-Col. Johnston has been convicted.

“ The Commander-in-Chief directs that the charge preferred

against Lieut.-Col. Johnston, together with the sentence of the Court, and His Royal Highness the Prince Regent's pleasure thereon, shall be read at the head of every Regiment, and entered in the Regimental Orderly Book.

“ By command of His Royal Highness,

“ The Commander-in-Chief,

“ HARRY CALVERT, Adj.-Gen.”

APPENDIX III.

Page 289.

“ THE LIBEL CASE.

“ WE intended to have made the new Assignment Regulations the subject of our leading article for this number; but the recent proceedings in the Supreme Court, relative to the case of alleged libel, that has arisen out of the publication of the leading article in the fourteenth number of this journal, have induced us to postpone our intended observations on that important subject till a future opportunity, and to appropriate the space usually occupied by our leading article, in presenting our readers with an account of these proceedings, which they will doubtless acknowledge afford an appropriate sequel to the series of articles we have already published on ‘ The Literary Profession; or The Colonial Press.’

“ The article published under this title, in the fourteenth number of this journal, was written by the Rev. Dr. Lang; and the authorship was accordingly acknowledged in due form whenever it was required to be exhibited in evidence for the instituting of law proceedings against this journal. On this acknowledgment, an application for a criminal information against Dr. Lang was made to their Honours, the three Judges, at the instance of Mr. Edward O'Shaughnessy, editor of ‘ The Sydney Gazette,’ by W. C. Wentworth, Esq., barrister; and Saturday, the 6th instant, was appointed as the day on which Dr. L. should be called on to show cause why such an information should not be granted; but Dr. Lang being accidentally absent at Hunter's River on the 6th instant, the case was allowed to stand over till Saturday, the 13th, when it was accordingly brought forward before their Honours, the three Judges, sitting *in banco*.

“ Mr. Wentworth's application was grounded on an affidavit by

Mr. Edward O'Shaughnessy, embodying the portions of the article at which he had taken offence, and attaching the requisite innuendoes in the usual style.

"On being called upon by the Court to show cause why a criminal information should not be granted in the case, Dr. Lang submitted a counter affidavit, which was accordingly read in Court, disclaiming all personal malice towards the plaintiff, and alleging that the only ground and origin of the publication alleged to be libellous was a sincere desire to promote the best interests of the public.

"Dr. L. then addressed the Court in a speech of two hours, of which, however, we can only present our readers with the following abstract:—

"Although I am not accustomed to speak in public in such circumstances as those in which I now find myself, I cannot but account myself fortunate in being permitted to speak in my own behalf in any circumstances whatever. It is a privilege I have seldom enjoyed in this colony for many years past; for constituted as the colonial press has been till very lately, and engaged, as I have been, in undertakings which have appeared to me to be connected with the advancement of the public welfare, I have often been obliged to sit silent, while my character was traduced, and my motives and actions misrepresented by the press, without being permitted to say a single word for myself in any way.

"During the long period I have resided in this colony, I have often had occasion to observe, that the progress of that system of reformation, for which it was originally established, was not only slow, but was retarded at every step by certain counteracting influences within the colony; that the state of society, in regard to the prevalence of virtuous feelings on the part of the community, was exceedingly degraded; and that the standard of public morals was so low, that crime itself was on all hands openly and unblushingly dignified with the honourable epithet of misfortune. In looking around for the cause and origin of such a state of things, I could not help observing also that the press had been mainly instrumental in bringing it about. That mightiest engine, which the Almighty had ever enabled mortal man to make use of for the reformation of society, had, it seemed to me, been employed in this colony to increase and to perpetuate its moral degradation. Poison, it appeared to me, had been cast into that fountain, which the All-merciful had opened to pour forth healing waters over the whole face of society; and that which had been given by Divine Providence as a *spirit of health* to mankind, had, to use the phrascology of the poet, been

transformed, in the hands of unprincipled men, into a very *goblin damned*.

“It appeared to me, therefore, that no general reformation could either be expected or hoped for in this colony, until the press itself should be reformed — till that powerful engine should be placed in the hands of men in whom the public could place confidence, to whom they could look up with some degree of respect as their guides and instructors, and to whose opinions they would not be ashamed to defer. In considering the state of things in the colony, more particularly in reference to this matter, I could not help observing, that “The Sydney Gazette,” the oldest paper in the colony, the only one that was published three times a week, was under the management of an individual, who had been transported to this colony for his crimes, and who, within the last few years, had held the situation of somebody’s convict-servant or government-man in the town of Sydney — a situation, in comparison with which, in reference to the moral character it implied, the lowest pauper in England had much to boast of — nay, and that the associate of this individual, in his editorial labours, was another individual actually undergoing the sentence of transportation, as a convict holding a mere ticket of leave.

“In these circumstances, it appeared to me that it was the bounden duty of every person who had the welfare of the colony at heart, and who felt himself at all competent to the task, to expose, and thereby, if possible, to put an end to a system which admitted such enormities. With this view, and with this view alone, was the article written, for which I am now called to answer before Your Honours, as a false, scandalous, and malicious libel. That article was written to impress upon the reputable portion of this community this important principle, — that an individual who had been transported to this colony for his crimes, was incompetent to have the management of such an engine as the press in New South Wales, — that a state of things which permitted such an individual to assume the management of such an engine was a positive disgrace to this colony, dangerous to the interests of pure morality, and the greatest obstacle that could possibly exist to the attainment of those political rights and privileges which all classes of its free inhabitants so ardently desire.

“The principle contended for in the article referred to, — viz., that an emancipated convict is incompetent to have the management of the public press, — could never for one moment admit of question in England; and if such a question is entertained, and requires to be agitated here, it only shows that we are as much at the antipodes of

Great Britain in point of moral feeling, as we are in point of geographical position. No emancipated convict would ever dream of making such a bold experiment on the forbearance of the community, as to assume the management of so powerful an engine as the press in any of His Majesty's three kingdoms; and if the enormity has been practised and tolerated here, it only shows how deeply we have sunk, as a community, below the standard of public feeling in England; and how absolutely necessary it is, for those who have the welfare of this colony at heart, to make the most strenuous and unremitting efforts to put an end to a system which permits such enormities, and thereby to elevate the tone of public feeling in this colony to its proper, its English level.

“It will doubtless be argued in reply to this reasoning, that the state of things in this colony is very different from what it is in England,—that we have here a community consisting in a great measure of emancipated convicts, and a large number of convicts in actual bondage; but this difference, so far from rendering it either expedient or safe for the community to have the press in this colony under such management as “The Sydney Gazette” is under at this moment, increases the danger of such a state of things tenfold, and renders it a matter of still more urgent and imperious necessity to have so preposterous a system brought to an end.

“Your Honours are well aware of the nature and strength of those feelings that constitute what is styled *esprit de corps*—how they warp a man's understanding, and scoop out a totally different channel for his affections from the one in which they would otherwise have flowed. What, then, I would ask, is the nature of those feelings that constitute the *esprit de corps* of an emancipated convict? or in what particular channel do his sympathies flow? Why, the sympathies of an emancipated convict must necessarily be exercised in favour of all and sundry who belong to the same class as he has himself belonged to, and who occupy the same situation as he has occupied himself—for the tenants of hulks and jails, for men who are actually undergoing the sentence of transportation for their crimes; and it is a principle in human nature, that when our sympathies are engaged for any man's person, they are most easily transferable to his acts. Sympathy for the criminal, on the part of the emancipated convict, thus becomes sympathy for his crime. The feeling of kindliness towards the one becomes a feeling of tenderness towards the other; in proof of which I can appeal to Your Honours for the truth of the statement I have already made in reference to the state of public feeling in this colony, viz.—that the name by which *crime* is most frequently

distinguished in this colony is *misfortune*. The natural result, therefore, of a state of things, in which the press has been under the management of emancipated convicts and ticket-of-leave men, or of men who have the same *esprit de corps* with these classes of our community,—is that the standard of morals and of public feeling has been authoritatively lowered throughout the colony, and that the press generally has sunk to a somewhat correspondingly low and degraded condition. But the principle of *esprit de corps* operates to the disadvantage and injury of the community, in the case of an emancipated convict having the management of the press, in another and most important respect; for, taking it for granted, as I feel constrained to do, that an emancipated convict, who assumes the management of such an engine as the press in this colony, must necessarily be an unreformed character, what regard can the man, who has no character of his own, have for the character of others? His object, in accordance with the well-known principles of human nature, must necessarily be to reduce all and sundry to the same level with himself—to obliterate the sense or recollection of his own disgrace by obliterating the distinctions between vice and virtue.

“‘Now, considering that “The Sydney Gazette” had been the prime source of pollution, and the chief cause of the degradation of the press, in this colony, and considering also, that this had arisen from that paper being at present under the management of convicts and emancipated convicts, as well as from its having been almost all along under the influence of men whose sentiments and opinions had been formed, and whose characters had been cast, in that mould;—it appeared to me that I should be discharging a public and most important duty, by pointing out to the colony the true character of a system of such enormity, that so powerful and influential an engine as the press might, if possible, be wrested from the hands of incompetent and unworthy persons.

“‘And to satisfy Your Honours that such was the real origin and object of the article which has been characterised by the plaintiff as a false, scandalous, and malicious libel, I shall read a portion of it to Your Honours:—

“THE LITERARY PROFESSION, OR THE COLONIAL PRESS.

“When the business of an editor of a newspaper was merely to report the common occurrences—the accidents and offences—of the day, and especially when his readers comprised only a small portion of the general population, his office was neither important nor influential. Such was the state of the periodical literature of Great Britain within the recollection of many individuals yet alive; the mass of the people were utterly de-

void of curiosity as to what was happening in the great world around them; and the miserable periodical press of the period merely furnished the country squire, the parish clergyman, and the village milliner, with a list of the births, marriages, and deaths of the day.

“The first important event that led to a different state of things—arousing the nation from its state of lethargy, and exciting the press into vigorous action—was the American war; an event which in one day severed thirteen flourishing colonies from the parent state, and subjected the British arms to a series of disastrous repulses, such as they had never experienced from all the chivalry of France. That event, awakening as it did a warm sympathy on behalf of the injured and oppressed Americans in the breast of a large proportion of the general intelligence and virtue of the nation, led the people at large to inquire, on the one hand, into the political rights of their fellow subjects, the late colonists of America; and to hold an inquest, on the other, on the miserable policy of their rulers, whose incapacity and gross mismanagement had made the nation—

“‘ A destiny meet,
So dark with dishonour, so foul with defeat.’

“Shortly after this period of national excitement, the French Revolution came like a thunder-clap upon the dwellers in the world. By that *earthquake*—in the course of which *the tenth part of the Babylonish city fell, and the sun and moon were darkened, and the stars refused to give their light* in the political firmament of an ancient European kingdom—the minds of men were again strongly excited, and the press began to exercise an influence and a power which it had never done before. The nature and character of this excitement were altogether political; and the inquiries to which it led respected the constitution and the administration of government, and the national, civil, and political rights of men.

“The unfortunate issue of the French Revolution, and the military despotism in which it terminated, enabled the Toryism of England to repress the spirit of the age for a whole quarter of a century, by involving the nation in what is now considered, almost universally, an unjust and unnecessary war. But that war came to an end, and so also did the peace that followed it; for in a period of profound tranquillity the revolutionary drum was again beat fiercely, and France, Belgium, and Poland were fearfully convulsed to their centres. Surrounded as they were with the ocean waves, it was not to be supposed that the British Isles could remain unaffected in the midst of this *moving of the waters*; the revolutionary wave passed over them also, and the Reform Bill was the earliest grand result of the mighty movement that ensued. In the progress of that movement, the press suddenly assumed a position which it had never occupied before, and began to exert an influence which no party, however wealthy, or numerous, or powerful, could disregard with impunity; for, instead of merely affording the country squire, the parish clergyman, and the village milliner, a list of the births, marriages, and deaths of the day, as it did fifty years ago, that powerful engine now commands the willing attention of myriads and myriads more of the general population, and has acquired the power of influencing, either for good or for evil, vast masses of men. In short, the object of the press is

no longer to furnish a list of 'hair-breadth 'scapes, and moving accidents by flood and field,' but to enlighten the understanding and to guide the judgment of nations, and thereby to ameliorate the condition of the human race. In pursuance of this object it has reared for itself a dictatorial throne in the face of all Europe, and given forth laws for the general welfare of society, which even monarchs must obey; it sits in judgment on all matters of foreign and domestic policy, and from its ultimate decisions there lies no appeal; it holds its inquests on the characters and principles of all public men, from the first magistrate of the state to the meanest constable: and whereas the old British constitution acknowledged only king, lords, and commons, it has in so far new-modelled that constitution, as to get itself acknowledged the fourth, and that not the least influential, estate of the realm.

"What, then, shall we think of the state of things in a community, formed of British subjects, in which the manager of so powerful an engine, the occupant of a situation of such commanding influence and such high responsibility, is an individual, who was only yesterday, as it were, a transported felon, and whose ankles are probably still blue with the marks of his iron fetters? What shall we think of the presumption of the party or parties who could insult the good feelings of a whole community by such an arrangement? What shall we think of the moral and political degradation of that community itself, that could tolerate such an arrangement for a single day?

"After the death of the late Mr. Robert Howe, the Rev. Ralph Mansfield acted for several years as editor of 'The Sydney Gazette,' in virtue of an arrangement which he had made with Mr. Howe a short time previous to his death; but that arrangement being found disadvantageous to the trustees, it was broken off, and an engagement made with the Rev. H. Carmichael, A.M., who was then classical professor in the Australian College, to conduct the paper. Mr. C. accordingly did so for a quarter of a year; but having on one occasion written a leading article, in which he thought proper to maintain that the salaries of certain high functionaries in the colony were much more than a reasonable compensation for the services they rendered to the community; and articles of that nature being altogether repugnant to the principles of obsequiousness and servility to the powers that be, which had uniformly distinguished 'The Sydney Gazette;' and Mr. C. refusing, moreover, to suffer himself to be gagged for the future;—his services were dispensed with in so summary a manner, that the Supreme Court allowed him 150*l.* damages in a civil action which he brought against Mrs. Howe's trustees for breach of engagement.

"The late Mr. Howe, being unfortunately supposed useful to the late colonial administrations in a variety of ways, was treated by these administrations with especial indulgence, and occasionally received favours, which the rival editors of the colony could not even hope to obtain. In this way a person of the name of O'Shaughnessy was assigned to him as a government-man or convict-servant, and was found so useful in that capacity, as a collector of accidents and general reporter to the paper, that Mr. Howe treated him with much more indulgence as a convict-servant than he could have had directly from the Government as the holder of a ticket of leave. O'Shaughnessy, our readers will perceive,

was of the class of specials or literary convicts — a class, which Sir Robert Peel rightly considered as far more dangerous to the reputable portion of this community than the poor Irish White-Boy or English machine-breaker, and, accordingly, ordered the late Governor to send direct to the penal settlements of Wellington Valley, Moreton Bay, or Norfolk Island; but of which General Darling occasionally allowed individuals, in direct contravention of that salutary regulation, to get back to Sydney, to the great annoyance of the colony. At what time or in what manner O'Shaughnessy obtained his emancipation — whether by servitude or by favour — we neither know nor care; but during the respective incumbencies of the Rev. Messrs. Mansfield and Carmichael, he occasionally wrote secondary articles for 'The Sydney Gazette' (by whose proprietors he was still engaged as reporter, clerk, and news-monger), which, in order to enable those who were no judges of style to distinguish from his principal's, were generally indicated by an index or hand.

“ Whether Mrs. Howe and her trustees are judges of style or not, we cannot pretend to determine; but this we know and are assured of, that they must be very indifferent judges of propriety, and that their estimate of the intellect and the moral feeling of this colony must be sufficiently low; for, on the discontinuance of Mr. Carmichael's engagement, they deemed Mr. O'Shaughnessy, late government-man to Mr. Robert Howe, a competent person to occupy the high, commanding, influential, and responsible situation of editor of what ought otherwise to have been the first periodical in the country; to sit in judgment on all measures of the Colonial Government, whether towards the free or towards the bond; to offer his opinion authoritatively on the character and tendency of the system of penal discipline in this convict colony — that system, of which he had himself been so notorious an instance of the gross abuse; to hold an inquest thrice a week on the characters and actions of all public men; and to influence, for good or evil, to a degree which almost no other situation in the colony can enable its occupant to do, the intellectual and moral character of our entire population.

“ If Mrs. Howe, therefore, has had to lament over the gradual but almost total destruction of a splendid property, she must ascribe the circumstance, in a great measure, to the insult she was most unfortunately advised to perpetrate on the common sense and good-feeling of this community, in elevating Mr. Edward O'Shaughnessy to the rank of editor of 'The Sydney Gazette;' nay, if this colony had not actually been almost as totally devoid of right feeling, as such conduct had a direct tendency to make it, the property in question would have been utterly annihilated years ago; for in what other part of the British empire, we would ask, would any number of reputable persons be found to allow a paper, edited by an individual, who was only yesterday, as it were, a transported felon, to enter their doors?

“ But the evil done to this colony generally, by the introduction of such a man as Mr. O'Shaughnessy into such a situation as the one he occupies, is of a still more serious kind. In short, it is the most effectual means that could possibly be adopted by the worst enemies of the colony, to lower its character in the estimation of His Majesty's Government and the Parliament of England, and to bring it into absolute contempt. If

Mr. Bulwer*, for instance, were to bring forward a motion in the House of Commons, founded on our colonial petitions of former years, to grant this colony a House of Assembly; and if we had any private interest to serve in preventing that 'consummation devoutly to be wished,' and were determined, as we generally are, to carry our point, we should just adopt the following plan: and, however favourably disposed the House might otherwise be to promote the best interests of the colony, by granting the earnest prayer of nine-tenths of its respectable inhabitants, we are confident we should succeed in defeating the measure. We should call on Mr. James Morrison, M.P., of Fore street, London, who unfortunately knows as much about some of the worthies of 'The Gazette Office' as we do ourselves, and who would therefore feel disposed to take up any subject in which they are personally concerned; and we should give him a friendly hint as to how it was proper to proceed in defeating the object of the colonial petition. As soon, then, as Mr. Bulwer had finished his luminous and argumentative speech, setting forth the population and resources, the agriculture and commerce, the rapid extension and the future advancement of the colony, and concluding by pointing out to the honourable House the propriety of granting a House of Assembly to so loyal, and flourishing, and hopeful a colony, Mr. Morrison would start up to second the motion, and he would do so in some such terms as the following:—

"I rise to express my cordial assent to every syllable that has fallen from my honourable friend, in regard to the rapid growth and the present prosperity of His Majesty's colony of New South Wales; but, as my honourable friend appeared to me not to have his argument in favour of granting a House of Assembly to that colony supported by sufficiently unexceptionable authority, it gives me infinite pleasure to be able to supply this material defect in my honourable friend's speech, by producing an authority, in support of the various forcible and convincing statements of my honourable friend, to which, I am confident, this House will most cheerfully bow. I hold in my hand, therefore, a file of that respectable colonial journal, "The Sydney Gazette," which, it seems, is now conducted by that paragon of editors, Mr. Edward O'Shaughnessy; who had the honour to be transported from Dublin a few years ago, and who (thanks to the admirable system of penal discipline in our Australian colonies!) instead of being sent direct to a penal settlement, agreeably to Sir Robert Peel's express orders, along with the other special scoundrels of his class, was suffered to remain in that hot-bed of pollution, the town of Sydney, where he lived as comfortably all the time of his sentence as ever he had done in his life, in the capacity of government-man, or convict-servant, to the late editor of "The Sydney Gazette;" and where

* A petition to the House of Commons for a House of Assembly for the colony had been forwarded by a large party of the colonists, chiefly of the class of emancipists, to Mr. (now Sir H. L.) Bulwer. Mr. Morrison, M.P., of Fore Street, London, was the head of the mercantile establishment in which the convict Watt, the coadjutor of O'Shaughnessy in the management of "The Sydney Gazette," had been employed when he committed the crime for which he was transported.

he now conducts that hopeful journal himself, as literary dictator to the colony; and ever and anon advocates the necessity of a House of Assembly for the said colony, on the very same grounds as those on which it is now advocated by my honourable friend. Now, although I would most unhesitatingly support my honourable friend's motion on its own intrinsic merits, I must inform the honourable House, that, supported as it is by the respectable authority of Mr. O'Shaughnessy, I shall do something more, for I shall propose the following amendments, viz. —

“ ‘1st, That in the event of a House of Assembly being granted to the colony of New South Wales, the thrice-convicted felons, at the penal settlements of Norfolk Island and Moreton Bay, be empowered to send knights of the shire, to represent their interest in the said House; and —

“ ‘2ndly, That in the event of a House of Assembly being granted to the convict colony of New South Wales, — in which men like Mr. O'Shaughnessy are allowed to direct public opinion, — the inmates of His Majesty's prison of Newgate be empowered to send down two of their number in future to represent them in this House, irons and all.’ — *Parliamentary Debates, New Series.*

“ After such an exposé, the colonial petitioners, however numerous and however respectable, would be sure to get a horse-laugh instead of a House of Assembly from the Commons, in answer to their petition, however eloquently supported that petition might be by Mr. Bulwer, or by any body else. Whoever, therefore, is desirous of seeing a House of Assembly in this colony, let him endeavour by all means to shut Mr. O'Shaughnessy's mouth on that subject in future.”

“ ‘It will doubtless be urged in reply to these observations, that an emancipated convict is restored to all the rights and privileges of a free subject, and may therefore undertake the management of the press, as well as fill any other situation for which he is competent. I admit that the emancipated convict is restored to all the rights and privileges of a free subject, inasmuch as he is free to claim, and is sure to receive, the protection of the law as a member of society, in the exercise of whatever reputable business or calling he may engage in for earning an honest livelihood, equally with any other free subject of the realm; but if it is meant to be insinuated, as is generally done when the case is argued by the press in this colony, that the emancipated convict is restored to all the rights and privileges of a free subject, in such a sense that he stands thereafter upon exactly the same ground, in all respects whatsoever, as any other free subject on whom the sentence of transportation has never passed, I deny the position altogether. Why, if the restoration to rights and privileges, which an emancipated convict who has undergone the sentence of transportation can rightly claim, is to be understood in so wide and unlimited a sense as is thus contended for, then might we find an emancipated convict, provided he had previously received the requisite education, sitting on that bench

with Your Honours, or pleading as a barrister in this Court ; for these are objects of ambition to which every other free subject may look forward under our happy constitution, in which mere humbleness of birth precludes no man from either seeking or obtaining the highest honours of the State. But Your Honours are aware, that no such anomaly can possibly occur even in this land of anomalies : for, in order to keep the fountain of justice pure and unsuspected, and to maintain a becoming respect for this Honourable Court throughout the country, this Court has found it both expedient and necessary to protect itself from the intrusion of any such individuals ; insomuch, that not only is it incompetent for an emancipated convict to sit on that bench with Your Honours as a judge, or to plead in this Court as a barrister, it is even incompetent for him to practise in the lowest rank of the profession as an attorney. And, if it is indispensably necessary for the public welfare, and for the interests of justice and morality in this colony, to protect this Court from the intrusion of emancipated convicts into any department of the legal profession, are not these interests equally concerned, and does not regard for the public welfare equally demand, that the situation of an editor of a public newspaper shall be protected from a similar intrusion, — especially in an age like the present, in which the press claims for itself a species of absolute domination over all interests, over all classes of society, over all men ? If a judge acts corruptly, he is amenable to justice, and may be impeached with comparative facility ; if a barrister or attorney acts corruptly, it is in the power of this Court to strike him off the rolls : but if the editor of a newspaper acts corruptly — if the director of the public press disseminates opinions that are subversive of the peace, and ruinous to the morals of society — by what law shall we bring him to justice ? at what bar shall we impeach him of his moral incompetency ? The interests of justice and the welfare of the public demand, therefore, that the situation of the editor of a public journal shall be protected from the intrusion of incompetent persons, of persons in whom the public cannot place confidence, just as much as the situation of an attorney, or of a barrister, or of a judge. And if a situation of such commanding influence in society, as that which secures to an individual the management of the press, is nevertheless intruded into by an individual morally and politically incompetent to hold it, one in whom the public can have no confidence, and who only employs his power for the injury of society, it becomes the duty of every honest man — of every man who has the welfare of society at heart — to impeach that individual of his incompetency at the bar of public opinion, as I

have done the plaintiff in the article for which I am called to answer this day. In short, the man who would maintain that the restoration of an individual, upon whom the sentence of transportation has passed, to the rights and privileges of a free subject, renders that individual morally and politically competent for any situation whatsoever,—that man's motto is not *Fiat Justitia*, but *Ruat cælum*; or, in other words, “Let all the distinctions that subsist in civilised society be done away with; let those landmarks, which the Eternal has established between right and wrong, be entirely removed; and let the world revert to that state of chaos in which it existed ere the Creator said *Let there be light*, and separated the light from the darkness.”

“I am no lawyer, and cannot appeal to legal authorities; but I appeal to Your Honours, whether there are any to refer to in this particular case; nay, I am confident there is not a single case in all the law-books in England, of an emancipated convict assuming the management of the press. I shall take the liberty, however, of citing one or two cases from the ancient classics, to point out in what manner public opinion usually operated, in excluding individuals, in the condition of the plaintiff, from situations of influence and prominence in society, even when the standard of public morals was pitched far lower than it is in Christian nations. In the reign of the Emperor Augustus, a freedman, who had somehow acquired an immense fortune in the city of Rome, conceived himself entitled, on the ground of his wealth, to occupy one of those seats in the Roman amphitheatre, that were appropriated, by the law of Otho, to Roman citizens of equestrian rank. The poet Horace, observing the circumstance, was moved with indignation at the individual, and, in an ode on the subject, addressed him in such terms as the following:—

“Ibericis peruste funibus latus,
Et crura dura compede;”

“Thou who hast undergone corporal punishment, and whose legs have been bound in double irons, how canst thou presume to assume the rank and place of the honourable citizens of Rome?” During the same emperor's reign, a regiment of Roman soldiers had allowed themselves to be taken prisoners by the enemy—a circumstance which was held much more disreputable in ancient than it is in modern times; and the government had resolved not only to ransom them from the enemy, but to restore them to their place among the troops of the line. Horace felt as highly in-

dignant at the measure as he did in the case of the freedman, and in a beautiful ode on the subject he thus writes :—

“ Flagitio additis
 Damnum. Neque amissos colores
 Lana refert medicata fuco :
 Nec vera virtus, quum semel excidit,
 Curat reponi deterioribus.”

“The restoration you propose is not only disgraceful, but a serious loss to the commonwealth. Wool, when once dyed, never recovers its original colour ; and when a virtuous character is once lost, it cannot be restored.” I should be sorry to subscribe to these sentiments in their full extent : I only quote them to show, that public opinion has operated in all countries, in excluding, from situations of prominence and influence in society, men who have once degraded themselves by their criminality in the eye of the law. And to show Your Honours that the object of the article, which is stigmatised as a false, scandalous, and malicious libel, was nothing more nor less than to establish this important principle, I shall take the liberty of reading another extract to the following effect :—

“There are certain situations of importance to the public in this colony, which an emancipist cannot hold, however irreproachable his subsequent conduct. He cannot, for instance, hold the situation of a judge of the Supreme Court ; he cannot plead as a barrister in that Court ; nay, he cannot even practise as an attorney. Again, would the Archdeacon attempt to place an emancipist, however irreproachable his colonial character, as Episcopalian chaplain in any district of the colony ? Would the Roman Catholic Vicar appoint such a person as a Roman Catholic priest ? Or would the Scotch Presbytery ordain him as a minister of one of the colonial churches in their communion ? We think not. There would be a precious outcry over the whole colony, if any such preposterous attempt were to be made. And is the situation of an editor of a newspaper of less importance to the community in this literary age—this age of the despotism of the press—than that of an attorney ? or than that even of a district colonial chaplain ? We are not likely to form a lower estimate of the clerical office than other men ; but we hold it a matter of as paramount importance to the public, that in an age like the present—teeming as it is to overflowing with the principles of revolution and infidelity—the press should be in the hands of right-principled and right-hearted men, as it is that such men only should have access to the pulpit. And if a sincere regard for the public welfare on the part of the government on the one hand, and of the colonial ecclesiastical authorities on the other, precludes the emancipist from practising in the courts of law, or from officiating at the altar ; why should he be allowed to have the management of an engine which has evidently far more influence on a large portion of this community than either the pulpit or the courts of law—an engine which, if not under the vigorous

and active management of men of sound principle, is sure to scatter *firebrands, arrows, and death*, and to diffuse a moral pestilence over the whole face of society."

"It will doubtless be argued in reply, that to exclude emancipated convicts from any situation in society which they have ability to occupy, is repugnant to those principles of charity that distinguish the Christian religion, and that therefore the right hand of fellowship should be held forth to help the emancipated convict over the stile, into every situation which a freeman, on whom the sentence of transportation has never passed, may lawfully occupy. But your Honours are well aware that there is a spurious charity in the world, which often passes current for the true; and that individuals can never have claims upon our charitable feelings inconsistent with the exercise of justice to society at large. 'Jampridem, equidem,' exclaimed the famous Cato in the Senate House at Rome, when Julius Cæsar, who was afterwards emperor, was pleading for the manifestation of charitable and kindly feelings towards the men who had been engaged in Catiline's conspiracy; 'Jampridem, equidem, nos vera rerum vocabula amisimus; quia bona aliena largiri liberalitas, malarum rerum audacia, fortitudo vocatur: eo respublica in extremo sita. Sint sane, quoniam ita se mores habent, liberales ex sociorum fortunis; sint misericordes in furibus ærarii: ne illis sanguinem nostrum largiantur, et dum paucis sceleratis parcunt, bonos omnes perditum eant.'—'It is long, indeed, since we lost the proper designations of things: for, to make free with and to squander away other people's property is now called liberality, and the audacity that perpetrates the most flagitious actions is styled boldness and spirit: at such a pass, in regard to virtuous feeling, has the commonwealth arrived. But if public feeling, if public morals, are indeed in so low a state, let men be liberal, if they please, with their own property, and with that of their friends; let them show their kindly feelings, if they so incline, to common thieves and robbers: but let them not sacrifice our best interests to persons of this description; and while they manifest a benignant disposition to a few miscreants, let them not devote the whole class of reputable men to one common ruin.'

"Particular stress is laid in the plaintiff's affidavit on that part of the article in which it is asserted that the plaintiff is not a reformed character. I shall read the portion of the article to which the plaintiff particularly refers:—

"We are aware we shall be met with the argument which was once used by the late Mr. Robert Howe himself, when, relating the circum-

stances of his own conversion at a public meeting in the Wesleyan Chapel, he observed with a pardonable degree of self-complacency, 'Tell me not what I was, but what I *ham*.' We shall be told that Mr. O'Shaughnessy is a reformed personage: we deny that he is so. A modest retiring disposition is the uniform accompaniment of sincere penitence, of genuine reformation; and we maintain, in the face of the whole colony, and without the least fear of contradiction, that if Mr. O'Shaughnessy had possessed such a spirit in any degree, he would have shrunk back from a situation of such peculiar prominence and responsibility, as that of Editor of 'The Sydney Gazette,' even although it had been injudiciously offered him, on the one hand, and though he had been quite fit for it, on the other.

"The brazen-faced impudence of the man who could presume to step from the situation of government-man or assigned servant to the late Mr. Robert Howe, into that of Editor of 'The Sydney Gazette,' or, in other words, literary dictator to the lieges in this colony; and could set himself down in a sort of magisterial chair, to pronounce authoritatively on the character and actions of reputable men, and to issue forth opinions to a gaping public, thrice a-week, on matters of government and legislation, sufficiently proves that he has no right or title to the epithet *reformed*, and that he is just as bad at heart as when he was *legged* * in Dublin. And has His Majesty's colony of New South Wales indeed come to such a pass, that we must all be *schooled*, forsooth, by a fellow like this?"

"Why, when your Honours consider what sort of an engine the press is, and what sort of jurisdiction it claims over all classes of society, over all interests whatever, I am sure your Honours will admit that a really reformed emancipated convict would never presume to assume the management of such an engine, or the exercise of such a jurisdiction. And yet the plaintiff has the assurance to come to your Honours to demand the punishment of the writer of this article, because, forsooth, it has a tendency to injure him *in his trade or profession*! Why, if he ventured to carry on such a trade, or to exercise such a profession in England, the populace would have him burnt in effigy for the insult he had dared to perpetrate on the virtuous feelings of the community.

"I submit then to your Honours, whether the article for which I am this day called to answer, as a false, scandalous, and malicious libel, is, in any respect, either false, or scandalous, or malicious; and whether it is not rather a fair comment on the principle or text which it proposed to establish,—viz. that an emancipated convict, that is, an individual who has once been transported to this colony for his crimes as a felon, is morally unfit, and politically incompetent, to undertake the management of the press in this convict colony.

* The cant word for *apprehended* or *convicted*.

“ ‘ But the plaintiff has not only imputed malice to myself, as the writer of the article referred to, but has made affidavit that he had given me no provocation. Now, although I can assure your Honours, that not a line of that article was written from malicious feelings towards the plaintiff, or under the influence of personal provocation, but that it was written merely to establish a principle of the utmost importance to the welfare of this community ; it is not true, as is stated in the plaintiff’s affidavit, that he had given me no provocation : for months before the article was written, ‘ The Sydney Gazette ’ was filled with papers and paragraphs of every description, written in a style of the most personal and provoking hostility towards myself. I made it a rule indeed not to read such articles, nor even to look at ‘ The Gazette ’ at all ; and it was only when some particular paragraph was forced on my attention, that I came to know any thing of it : but having very recently had occasion to look over a file of the plaintiff’s paper, with a view to this defence, I can assure your Honours, I had to encounter a perfect dunghill of personal abuse. In such circumstances, I submit to your Honours whether this Honourable Court is not called on to discourage and to put an end to such prosecutions as the present, on the part of such individuals as the plaintiff. I shall read the following extract on this subject, from the article so often referred to :—

“ The other circumstance, indicative of the low despicable state of the colonial press, is the rabid desire, so long evinced by its respective Editors, to prosecute one another before the Supreme Court for defamation of character. There is nothing of the kind known in England. The Editor of a public journal there trusts to his own pen, and to the acknowledged respectability of his character, when unjustly attacked. But English Editors are generally gentlemen ; we can only *wish* they were all so here. The peculiar sensitiveness of the colonial tribe, as to character, is both amusing and instructive. When an honest man walks along the highway, and hears a fellow shouting out *unprincipled ruffian*, he walks on peaceably, conscious that the epithet must be meant for somebody else, as it cannot possibly apply to him. Nay, if the impudent knave stops short in his very path, and repeats the obnoxious expression to his very face, instead of making a fuss about it, he will probably merely say, ‘ Get out of the way, sir ; do you wish to provoke me to knock you down ? ’ But whenever certain colonial Editors hear such word or words to the same effect, in their editorial walks, they instantly stop short, and stand with their ears pricked up, like a horse listening to a trumpet ; for their conscience tells them that the *phrase does apply to themselves* ; and therefore, whenever they can identify the speaker, they have him up forthwith before the Supreme Court, to get him punished, under the famous *Lawyer’s Act*, or Law of Libel, for telling the truth.”

“ ‘ It will doubtless be maintained, that the character of my article, and the course I have taken in this defence, are inconsistent

with the genius and spirit of the Christian religion : but that religion, which was designed for the reformation of mankind and the moral renovation of the world, carries in it terrors to evil-doers, as well as praise to those that do well ; and there is nothing for which it ever evinces a deeper anxiety, than that the fountains of knowledge and the sources of instruction should be kept pure and uncorrupted.

“ ‘ Individuals will also be ready to maintain, that my article and my defence both evince a spirit of hostility towards the whole class of emancipists. On this subject, I beg to read the following paragraph from the article itself : —

“ If any evil-disposed person should assert, that these remarks have been dictated by a feeling of hostility to the whole class of emancipists, we have only this short answer to give — It is false. We will yield to none in our earnest and sincere desire to elevate the character and to promote the best interests of the emancipists generally, and especially to give all due countenance to the virtuous and well-disposed portion of that class of our colonial population, in contradistinction to the worthless and the vile : but, if the circumstance of having ever been a convict disqualifies a man for the bar or the pulpit, we maintain, with the best of feelings towards the emancipists generally, that it ought to disqualify him also for the management of the press. There are five hundred other situations in the colony in which an emancipist may earn his bread and find employment, creditably for himself and beneficially for the public : why, then, should he be suffered to intrude himself into a situation in which his very presence is an argument, not against his own class in particular, but against the whole colony in the parliament of England? ”

“ ‘ During the whole course of my residence in this colony, I have ever exhibited the most kindly feelings towards the emancipists ; and as a writer on the actual state of the colony, I have not only evinced the propriety of extending the elective franchise to all respectable persons of that class, but maintained their eligibility to sit as members of a future House of Assembly — a situation to which I trust I shall ever be held ineligible myself as a minister of religion.*

“ ‘ But if it should be represented as inconsistent with the character of a minister of religion, who, it will doubtless be alleged, ought always to be meek and lowly, like his Master, to assume the vindication of the rights of the public and the claims of virtue in this particular instance, I beg to observe, that there are occasions

* I was afterwards induced to change my opinion on this subject — not from any change of views as to the general principle involved, but simply from the pressure of necessity in the particular case.

on which this mild and gentle demeanour is as unbefitting a minister of religion, as an opposite demeanour is on all others. When the divine Author of Christianity found the temple at Jerusalem polluted with the presence of unworthy persons, did he merely go up to them, and request them in a very mild manner to walk out? No! he made a whip of small cords, and scourged them from within the sacred precincts: and I submit to your Honours whether I have been doing any thing more, as a minister of religion, than merely acting on this precedent and following up this example in endeavouring, in the article for which I have this day been called to answer before your Honours, to cleanse and to purify the press in this colony?

“On the conclusion of this speech, which was listened to throughout with the most profound attention, the Chief Justice, after conferring for a few minutes with the other judges, observed, that the Court, exercising the functions of a grand jury, but without entering into the merits of the case, conceived there was sufficient matter upon the plaintiff's affidavit for referring the case to a jury, and would therefore make the rule absolute.

“There was an unusually large number of the respectable inhabitants of Sydney present during the proceedings, which appeared to excite the deepest interest. The reading of certain parts of the obnoxious article, especially the passage containing an extract of an imaginary speech in the House of Commons, by Mr. Watt's late master, Mr. Morrison, gave general amusement: even the stern visage of Mr. Wentworth, counsel for the plaintiff though he was, was occasionally relaxed into a smile at the expense of his client. At all events, nothing could possibly have happened in the colony more strongly calculated than this prosecution, to advance the object for which the obnoxious article was written, or eventually to raise the character of the colonial press. The case has excited intense interest in all quarters, and we have reason to believe, that the result has been a general acquiescence in the soundness of Dr. Lang's position. Mr. O'Shaughnessy, it seems, has taken the hint, and made his exit from the ‘Gazette’ office; and although he has left a ticket-of-leave man (the convict Watt) virtually in his place, we shall not consider our task accomplished till we have put down that enormity also.”

The convict Watt having in the mean time ingratiated himself into the favour of the proprietrix of ‘The Sydney Gazette,’ whom he was afterwards permitted to marry, still exercised the whole management and control of that paper; and in order expressly to dislodge him from this situation, his trial at the Old Bailey was

republished from 'The London Criminal Trials for the year 1828,' in the 'Colonist' of May 21st, 1835, prefaced with the following additional article on

“ THE LITERARY PROFESSION, OR, THE COLONIAL
PRESS.

“ ‘ When 'bad men combine, the good must associate ; else they will fall, one by one, an unpitied sacrifice in a contemptible struggle.’
— BURKE.

“ We are indebted for this highly appropriate motto to ‘The Sydney Gazette.’ It stood prefixed to the leading article in that Journal on the 8th of April, 1834,—a time when ‘The Sydney Gazette’ was notoriously under the joint editorial management of an emancipated convict, of extremely doubtful character, and a ticket-of-leave man, of the utter worthlessness of whose character there could be no room to doubt. For, after having been outlawed in Scotland for certain fraudulent transactions in the city of Edinburgh, in the year 1825, and transported from London for transactions of a similar but still more flagrant character, in the year 1828 ; and after having served for some time on his arrival in this colony at the penal settlement of Wellington Valley, pursuant to the express orders of the present Premier, who was then Secretary for the Home Department ; the individual we allude to obtained from the late Governor a ticket-of-leave for the district of Sydney,—a place which, if General Darling had only obeyed his orders, and thereby discharged his own bounden duty to this community, he would never have been suffered to come within a hundred miles of, till he had completed the full term of his original sentence,—and was actually cohabiting with a convict woman illegally at large, if not at the very time, at all events either shortly before or shortly after, the time when himself and his worthy associate had the almost inconceivable impudence to prefix the motto we have given above to a leading article of their joint manufacture ! When Jeroboam, the son of Nebat, who made Israel to sin, wished to detach his subjects from the worship of the true God and the loyalty they owed to the house of David, he got two golden calves manufactured, and, setting them up with great pomp in the presence of the people, said, *These be thy Gods, O Israel !* In like manner, when Mrs. Anne Howe wished to perform a somewhat similarly meritorious service to the colonists of New South Wales, she metamorphosed an individual in her employment, who had been her late husband’s government-man, and the ticket-of-leave man of whose life and manners we have just given an abridgment, into the

joint managers of her old-established paper ; saying, virtually, if not actually, to the wondering community, ‘These be thy friends, philosophers, and guides, O thou long-eared colony of New South Wales !’

“In a former article on the subject of the colonial press, we showed that it was not only disreputable and disgraceful to the colony to allow such a man as Mr. Edward O’Shaughnessy to guide the opinions of this community, as the editor of a public journal, but that such a circumstance was itself the most serious obstacle that could possibly exist to the attainment of those free institutions which every true friend of the colony, whether free emigrant or emancipist, is so earnestly desirous that it should speedily obtain ; and that it would only require a little address, on the part of any able member of the House of Commons, to employ that single circumstance in such a way as most effectually to defeat every petition for a House of Assembly that might emanate from the colony for ten years to come. If such be the fact, what an overwhelming effect would it not give to the representations of Mr. Morrison, one of the members of Parliament for the city of Ipswich, or of any other member who might feel disposed to set aside the arguments of Mr. Bulwer, in advocating the claims of this colony to a colonial legislature, or even to render that gentleman himself completely ridiculous, were Mr. Morrison able to add, that in discharging the duties of his high and highly responsible office of ‘friend, philosopher, and guide’ to the colony of New South Wales, Mr. O’Shaughnessy was assisted by a ticket-of-leave man, of whom he had been unfortunate to have some knowledge himself, and who, he could assure the House, was one of the most thoroughly worthless and dangerous persons of his class that had ever been transported to New South Wales ! Nay, if Mr. Morrison were enabled to state, that these two individuals — the emancipated convict and the ticket-of-leave holder — had the impudence to quote the sentiment which stands at the head of this article, and to apply it to themselves as *an association of good men*, forsooth, in contradistinction to the really reputable portion of this community ; and to issue forth editorial bulletins three times a week on such subjects as the transportation system, penal discipline in the Australian colonies, the mutual relations and correlative claims of free emigrants and emancipists, ticket-of-leave men and convicts ; and to sit in judgment on all the measures of the colonial government, and to endeavour to overwhelm with abuse every honest man who refused to subscribe to their opinions, or dared to proclaim their own worthlessness to the people of this colony ; the feeling of contempt

that would naturally arise in the breast of every member of Parliament towards the members of a community, which allowed such individuals to retain the management of its press, would be succeeded by a feeling of general indignation and thorough disgust. Nay, it would perhaps even be made a matter of question, whether the member of Parliament who could offer such an insult to the House of Commons, as to propose to grant a House of Assembly to a community apparently so utterly destitute of honourable and British feeling, did not deserve immediate expulsion."

Watt's subsequent history in the colony is briefly contained in the following paragraphs, which I shall take the liberty to quote, as a most appropriate illustration of the character and tendency of a convict press, from a work I published in the year 1837, on *Transportation and Colonisation*.'

"Watt was at length tried in the Supreme Court of the colony, at the instance of the proprietors of the 'Herald' newspaper, on a somewhat singular charge. In the year 1834 an anonymous letter had been written for publication in that journal, reflecting on the character and conduct of an individual in Sydney, who had formerly been a convict, but was then free. In the hurry of business it was put in type; but, on being read for correction, it was found to be libellous and unfit for publication, and was consequently suppressed. Watt, who was then sole manager in the 'Gazette' Office, got intelligence of the circumstance; and being desirous of having the proprietors of the 'Herald,' who were reputable free emigrants, subjected to an action for libel, — a course which, in a colony abounding in needy and rapacious lawyers, is not unfrequently resorted to by artful villany and conscious worthlessness, as an approved instrument of torture for honest men, — bribed an emancipated convict compositor in the 'Herald' Office to steal for him a proof or printed copy of the suppressed article; which he immediately enclosed in an anonymous letter, written in a feigned hand, and transmitted through the colonial post to the person to whom it alluded, that its being forwarded through so public a channel might be pleaded as a legal publication. The action was accordingly instituted, but was eventually lost; its main object, however, being gained to a certain extent, in subjecting the parties interested to much inconvenience and considerable expense. It was more than eighteen months afterwards when Watt's villanous procedure in the whole matter came to light. On its being discovered he was tried in the Supreme Court on a charge of felony, but was acquitted; the jury consisting partly, if not chiefly, of emancipated convicts. His acquittal was hailed by the worthless portion of the

community—convicts and emancipated convicts of the lowest grade, as the triumph of their principles and party; but his Honour, Mr. Justice Burton, who presided at the trial, having represented to the Governor, from the facts elicited in the course of it, that Watt was an unfit person to be allowed to remain any longer in Sydney, his Excellency ordered him forthwith to Port Macquarie, a subordinate settlement about two hundred miles to the northward.

“In the course of his defence in the Supreme Court, Watt had made an outrageous attack on a magistrate of the territory, who was in no way connected with the affair. For this outrage he was called to account before the Sydney bench of magistrates, to whose summary jurisdiction he was amenable, as a convict holding a ticket-of-leave. The outrage, it appeared, was not punishable; but various other charges being exhibited against Watt, the magistrates determined to enter into them at length. The investigation that ensued lasted many days; and in the course of it, Watt’s whole manner of life in the colony, and the countenance he had been receiving from certain officers of government, fully appeared, notwithstanding a formidable array of perjury and chicanery of every description, which were sedulously employed on his behalf. To the utter astonishment of the colony, however, several of the most respectable magistrates of the territory, who had been concerned in conducting the investigation, and who had, perhaps, acted in the matter with greater zeal than prudence, were shortly after publicly dismissed from the commission of the peace!

“On his arrival at Port Macquarie, Watt obtained permission to marry the widow of the former proprietor of ‘The Gazette, whose valuable property he had reduced to the brink of ruin; and having subsequently succeeded in ingratiating himself into the favour of the police magistrate of the settlement, he was the means of sowing so much dissension between that officer and the harbour-master, that a commission of inquiry had actually to be appointed to proceed to Port Macquarie in the month of May last (1836), to investigate their mutual criminations. The result of that commission was the dismissal of both of these functionaries, and an order for the immediate cancelling of Watt’s ticket-of-leave. On being apprised of this order, Watt absconded; and the last account of him, in August 1836, was that he had been apprehended, and flogged as a runaway! *

“Now, that a criminal like Watt, who ought unquestionably to have been doomed for a long period to hard labour and solitary

* He has since been drowned at Port Macquarie.

confinement, should have been allowed to occupy a station of such commanding influence, as that individual attained so very lately in the penal colony of New South Wales, even during the period of his sentence of transportation,—subjecting the characters of various officers of His Majesty's Government to general suspicion, from alleged connivance at his delinquencies; occasioning the dismissal of various respectable magistrates from the commission of the peace, for investigating these delinquences somewhat too minutely; occupying the time of courts of justice and benches of magistrates for weeks together, and thereby commanding all the while the exclusive attention of the press and the public; and finally raising up a formidable party in the colony for the countenance and protection of vice and villany;—that a state of things, implying so enormous a perversion of justice, should be permitted to subsist in any part of the British empire, is (to say the very least of it) as strange in itself as it is disreputable to the British nation. Talk of the tendency of transportation as a species of punishment! It would, indeed, have been miraculous if transportation had been found conducive in any degree to the prevention of crime and the reformation of criminals, under a system of management so thoroughly monstrous."

APPENDIX IV.

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THE practice of concubinage, and the general profligacy of manners to which it leads, had been gradually disappearing from the face of colonial society during the ten years previous to the year 1833. About that period, however, the system of female emigration having come into operation, and that system having introduced into the colony a very large number of most abandoned females, together with not a few others of questionable virtue, picked up, wherever he could find them, in the whole three kingdoms, by Mr. John Marshall, the agent of the London Female Emigration Board, this demoralising practice began to revive, and scenes of the most outrageous profligacy to be exhibited. It was therefore to the putting down of this practice, and to the establishment of a high standard of morals throughout the colony, that the principal efforts of 'The Colonist' journal were for some time

directed. With this view, certain cases either of peculiar notoriety or of a peculiarly offensive character were indirectly and variously exposed; and the effect of such exposure, in other cases of a less flagrant character, was equally salutary and gratifying. For although two of the cases I allude to led to certain law proceedings in the colonial court, the moral effect produced on the community at large was not the less beneficial.

One of these cases excited intense interest in the colony. It was that of Mr. John Thomas Wilson, the managing partner in an extensive Sheffield house in Sydney. This person had for several years been one of the most prominent individuals of our colonial community; being a leading member of all the joint-stock speculations of the country, and either secretary, treasurer, or honorary member of almost every religious or philanthropic society in the colony. It was ascertained, however, by the parties connected with 'The Colonist' journal, that he had not only ruined a young Scotchwoman of the name of Cavill, the sister of one of the free emigrant Scotch mechanics whom I had carried out to the colony to erect the Australian College Buildings, in the year 1831; but that, after sending that young woman clandestinely home to her friends in Scotland, with a promise, forsooth, that he would very soon follow her and marry her there, he had taken under his protection a woman of the name of Taylor, who had deserted her husband in Van Dieman's Land, and come to New South Wales to practise as an actress. Wilson had even proposed to take the Sydney Theatre for this woman; and in various ways his profligacy was ostentatiously obtruded upon the public, while his procedure towards the relatives of the young Scotchwoman had been peculiarly distinguished for its heartlessness and enormity. In short, the case of this individual appeared to the parties connected with 'The Colonist' journal eminently deserving of exposure, as well from the prominence of the delinquent as from the character of his immorality. The following *jeu d'esprit* was accordingly published in that paper on the 31st of March, 1836; and, in a subsequent number, a letter was inserted from the young Scotchwoman's brother, detailing, in a very artless and affecting manner, Wilson's unprincipled and profligate procedure:—

THE FAMILY MAN;

A NEW SONG.

*To be sung at the next Concert.*TUNE — *We'll run the risk for a' that.*

John Thomas was a Shropshire man,
 And eke a worthy nailer
 He had a stout built portly frame,
 And his flame she was a *Taylor* ;
 Who, though she tried to fasten John
 In Hymen's pleasant noose,
 Found to her cost, alas ! that he
 Was not a *Taylor's* goose.

She bound him with a silken cord,
 And then a cord of cotton ;
 But silk and cotton, flax and tow,
 Snapp'd as if each were rotten !
 She took to pouting then, and vow'd
 She'd sooner die of hunger,
 Than e'er be bound with *bullock chains*
 Or wed an *Ironmonger* !

"What is 't you say?" said he, as she
 Stood bolt upon *the boards* ;

"You 're tenfold happier than if *kept*
 By half a dozen lords.

There's not a show-room in the place
 Can be compared with mine ;

There's not a woman on the town
 Has such a lot as thine.

"Why, there's the Sydney Theatre,—

Its owners wish to let it ;

'Twould be the noblest spec of all,

If we could only get it.

We'd take it either by the week,

Or by the month or year ;

And there's my good friend B——n,

Will back us out, my dear."

Said Parson H—— one day, as they
 Were riding in their carriage,
 “ Why, you’ll disgrace us all, friend John,
 If you don’t make this a marriage.
 The thing has got about the town,
 In fearful notoriety ;
 And, mind, we ’ll turn you out of each
 Religious Society.”

John Thomas blush’d, and said ’twas strange
 How idle people CAVILL,
 But he would tell him all the truth
 And the whole case unravel.
 He would have married long ago ;
 (He ’s of the marrying kidney :)
 But when one has a wife at home,
 He can’t have one in Sydney.

The sensation produced in the town of Sydney, and indeed all over the colony, by the publication of this little *jeu d’esprit*, was quite unprecedented ; the parties concerned being known to every body, while the allusions were universally intelligible.

It is unnecessary to detail the legal proceedings to which this publication, although never prosecuted directly as a libel, indirectly gave rise. They involved a struggle for moral ascendancy, in which the powers of evil, numerous and influential in the colony at the time, were arrayed in mortal hate on the one hand against the interests of public and private virtue on the other, while the whole colony were spectators of the scene. In the course of my examination before the Select Committee of the House of Commons on Transportation, in the year 1837, the prosecutions and other legal proceedings to which ‘ *The Colonist* ’ journal had been subjected, in consequence of its advocacy of the best interests of that colony, were enumerated with a considerable display of zeal by the accredited parliamentary agent of O’Shaughnessy and his peers,— Mr. (now Sir H. L.) Bulwer, who was not aware at the time of the real character and standing of his prompters—evidently with a view to disparage the moral character and influence of that journal. So far, however, from wishing to conceal any thing of that kind,—connected as I was avowedly for some time with the journal in question,—I have no hesitation in voluntarily affording the reader the additional information, that in consequence of that connexion I was in one instance threatened with personal violence, from which

I had to ask protection from the colonial police, while in another dark hints were actually thrown out by the *employés* and supporters of the convict and emancipist press of the colony, that the stiletto itself would be had recourse to if other means were found unavailing to silence 'The Colonist.' But are honest men, who are conscious that their sole object is the reformation of a whole community, to be deterred from pursuing that object of transcendent importance by such menaces as these? In such a struggle as the one in which 'The Colonist' thus engaged *for the general advancement of society* in New South Wales, every additional hour that the contest could be maintained afforded an additional assurance of ultimate success—every defeat was the prelude of victory.

END OF THE FIRST VOLUME.

LONDON:
SPOTTISWOODES and SHAW,
New-street-Square.

DATE DUE / DATE DE RETOUR

TRENT UNIVERSITY



0 1164 0226776 3

